



U.S. Department  
of Transportation

**National Highway  
Traffic Safety  
Administration**

# **The Drunk Driver and Jail**

## **Step by Step to a Comprehensive DWI Corrections Program**

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Volume 4



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Comprehensive DWI  
Corrections Program

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Prepared in cooperation with  
the American Correctional Association,  
College Park, Maryland



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Administration**



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# Acknowledgments

This manual was prepared by the American Correctional Association (ACA) under Contract DTNH22-83-C-05131 from the National Highway Traffic Safety Administration (NHTSA).

The ACA was privileged to have the assistance of a distinguished steering committee in the preparation of this manual. Members of this group reviewed the original plans for the project and read and commented on drafts of the manual.

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In addition to the members of the advisory panel, the ACA is indebted to several individuals who provided special assistance in on-site or telephone interviews.

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development and operation of all correctional programs for DWIs.

Volume II (*Alternatives to Jail*) discusses the use of objective classification systems to identify a drunk driver's drinking status, risk to the community, and correctional program needs. It then examines what is known about five non-residential sanctions that can be used as alternatives or adjuncts to a jail sentence: community service; intensive probation supervision; alcohol education and treatment; restitution; and driver's license actions.

Volume III (*Options for Expanding Residential Facilities*) examines four ways to increase available bed space (number of beds)—conventional construction, modular construction, renovation, and contracting out correctional programs—and compares the advantages and disadvantages of each approach.

Volume IV (*Step by Step to a Comprehensive DWI Program*) describes how to go about determining a community's correctional needs (who should be involved, what information must be gathered) and discusses how to put the findings into effect (building community support, how to obtain funding).

Volume V (*Resource Materials*) contains copies of documents and forms in use in correctional programs around the country. They are not official models but, rather, examples of "working documents" that might prove useful to communities as they develop their own procedures and forms. Included are examples of forms for classification and suicide risk screening; work release agreements and contracts; community service forms and waivers of liability; and overviews of alcohol education and treatment programs. Also included are examples of State laws on offender fees and information on jail accreditation. The volume also contains a list of the State Offices of Highway Safety and the current criteria for receiving funding under Section 402 of the Highway Safety Act.

It is important for readers to keep in mind that, while the focus of these manuals is the drunk driver, it is not intended that DWIs be placed in facilities or programs separate from other groups of offenders with similar needs and characteristics. Judges and correctional administrators need flexibility in making appropriate assignments. Many existing facilities and programs are

appropriate for drunk drivers. Similarly, facilities and programs developed principally in response to the increased arrest rates and tougher sanctions for drunk drivers can and should be used for other types of low-risk, non-violent offenders, especially those with alcohol problems.

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# Glossary of Terms

**ACA** The American Correctional Association. A national organization of corrections professionals.

**ACCIDENT** Any event involving a moving vehicle on a public highway that causes injury or property damage. Some experts prefer the word "crash" because it does not imply that the event was accidental or "uncaused"—"A crash is no accident."

**BAC** Blood alcohol concentration. Driving with 0.10% BAC is an offense in all States. Actual driving impairment occurs at lower (0.05%) BAC levels.

**COMMUNITY-BASED FACILITIES** Correctional facilities operated publicly or privately (under contract) to hold persons to permit the offender limited opportunities for work, schooling, or other community contacts. Such facilities are used for a variety of purposes, including specialized intervention or assistance (for example, drug or alcohol treatment), graduated release from prison—usually prior to parole—or as a sanction in lieu of prison or jail confinement.

**CRIME** The commission of an act that is forbidden by public law and that makes the offender punishable by that law. Crimes are classified into two categories: misdemeanors and felonies. A misdemeanor is commonly defined as an offense that is punishable by less than one year in confinement. A felony is a "major offense" that is punishable by one or more years in confinement. Although there is general agreement on the severity of offenses (murder, for example, is always considered a "major offense" and thus a felony), each State retains the authority to decide which crimes it considers misdemeanors and which it considers felonies.

**DRUNK DRIVER** Any driver operating a vehicle at an illegal blood alcohol concentration. The term does not imply that the driver obviously appears to be "intoxicated." Drivers who appear quite sober can still be over the legal BAC limit.

**DWI** As used in this manual, DWI is a generic term for all alcohol driving offenses. The terms "driving while intoxicated," "driving while under the influence," and "operating a motor vehicle under the influence" are among those used by the States to describe the major alcohol-related driving offense—usually defined as operating a vehicle with a blood alcohol concentration of 0.10%. Some States have lesser offenses, usually described as "driving while impaired," which defined blood alcohol concentration levels as low as 0.05%.

**INCARCERATION** The confinement of a convicted criminal in a Federal or State prison or a local jail to serve a court-imposed sentence. In many States, offenders sentenced to less than one year are held in a jail; those sentenced to longer terms are committed to the State prison.

**JAIL** A secure local detention facility for holding individuals awaiting trial or sentencing. Increasingly, jails are also used as places of confinement for offenders sentenced to short terms (generally less than one year).

**LOCKUP** A holding facility for individuals who have been arrested and who are awaiting arraignment or transfer. Generally limited by law to holding an individual for only a few hours.

**NHTSA** National Highway Traffic Safety Administration. An agency of the U.S. Department of Transportation.

**NIC** National Institute of Corrections. An agency of the U.S. Department of Justice that provides assistance primarily to the States and local communities.

**NON-VIOLENT OFFENDER** An individual who has no record of violent behavior or aggression toward others; a person whose criminal record and conduct is such that he or she is not considered to be prone to violent acts. "Violent crime" refers to crime such as homicide, rape, assault, and robbery.

**PONI** "Planning of New Institutions." A program sponsored by the National Institute of Corrections to assist local jurisdictions planning new detention facilities.

**PRISON** A State or Federally operated detention facility, generally for offenders sentenced to one or more years of confinement.

*Maximum security prisons* are typically surrounded by a double fence or wall (usually 18-25 feet high) with correctional officers in observation towers. Such facilities usually have large interior cell blocks for inmate housing areas. About 41% of the maximum security prisons were built before 1925.

*Medium security prisons* typically have double fences topped with barbed wire surrounding the facility. Housing architecture is quite varied, consisting of outside cell blocks in units of 150 cells or less, dormitories, and cubicles. More than 87% of the medium security

*Minimum security prisons* typically do not have armed posts and may or may not have fences to enclose the institution. To a large degree, housing consists of open dormitories. More than 60% of the minimum security prisons were built after 1950.



# Section 1

## Getting Started

Sheriff Fate Thomas of Davison County (Nashville), Tennessee, has a problem. Under Tennessee's tough drunk driving law, first offenders can be sentenced to up to a year in jail—and must in any case serve 48 hours behind bars. The courts sentence so many drunk drivers that some offenders have to be given “reservations” up to four months ahead of time in order to serve their sentence. According to a recent article in the *Oregonian* (August 20, 1984), on some occasions Sheriff Thomas is forced to grant weekend furloughs to felons to make room for DWIs.

To meet the influx of DWI offenders, Sheriff Thomas has resorted to “mass incarcerations,” converting the criminal justice center gymnasium into a dormitory. This has created a new problem. Almost one in three offenders does not show up, and this means that Sheriff Thomas has to go back to the judges to have them take action on the hundreds of absentees.

For years, we Americans have preferred to divert our gaze from the problems of our community jails. We demand tough penalties for criminals, but when the time comes to vote for bond issues to build jails, we frequently vote no. It was not until the courts began to limit the extent to which jails and prisons could be overcrowded that the problem began to force an alteration in sentencing practices. When this occurred, local governments were forced to confront this problem.

Jailing of the drunk driver is still handled in most communities without overt signs of stress and strain. Problems frequently exist—but they go unnoticed until local officials like Sheriff Thomas are forced to take action. In the development of this manual, contacts were made with many correctional officials and sheriffs. Among the exam-

ples of strains in the system that were brought to our attention:

One sheriff reported that because his jail was overcrowded, he rented rooms in a cheap hotel across the street to hold drinking drivers. Why not transfer them to a nearby jail? Because the hotel was cheaper. . . .

In one community, DWIs sentenced to jail are scheduled months in advance for their short-term sentence. “It’s like planning a vacation,” the sheriff said.

Several local sheriffs at a recent conference noted that DWIs sentenced to weekend jail could rarely be assigned useful work because of their large numbers and the shortage of staff. These inmates essentially had nothing to do. But they didn’t seem to mind—“It was a chance to get away from the wife and their troubles for the weekend,” one sheriff commented.

A sheriff in one of the many counties under court order to limit the size of their jail populations asked, “Who do I release in order to let the drunk driver in?”

These signs of strain in the system may or may not come to public attention. The first person to be aware of the problem will probably be the local sheriff. But because of the extensive publicity given to the drunk driving problem and the effective lobbying of organizations such as Mothers Against Drunk Driving (MADD) and Remove Intoxicated Drivers (RID), many local correctional officials are reticent on the issue of overcrowding. They attempt to find ways to “get by” without bringing the issue to the public.

To the extent that this reticence leads to innovative methods for handling DWIs, such initiatives by local correctional officials are desirable. Unfortunately, overcrowding frequently results in handling drunk drivers by methods

that involve risk to the offenders (suicide, violence) and that fail to meet the objectives (punishment, rehabilitation) of the public and legislators.

### WHO SHOULD TAKE ACTION?

#### Sheriffs

Sheriffs, jailers, and local detention officials are usually the first to be faced by the problem of how to handle DWIs. They can take the initiative to obtain community support for developing adequate facilities for drunk drivers in several ways. Many communities have a corrections advisory committee composed of local citizens and government officials who can be helpful in stimulating community action to relieve jail overcrowding. Many communities have formed a drunk driving task force (NHTSA, n.d., a, b) as part of a total program to increase the effectiveness of the drunk driving control system. Such a task force will be concerned about jail overcrowding and, because it includes citizen activists and government officials, can be very effective in initiating action.

Another alternative is for the sheriff’s department to directly approach citizen activist groups such as MADD and RID (see Section 4). Activist groups can provide support for the development of additional correctional facilities and will bring pressure on a correctional system that is handling DWIs inadequately. Bringing the overcrowding issue directly to these organizations may also assist in ensuring that the activities of such groups take into account the many elements involved in obtaining constructive solutions to the DWI problem.

## Local Courts

A second element of local government likely to become aware of jail overcrowding at an early stage is the courts. This is particularly true in localities where jails are under court order to limit their populations. Judges in these jurisdictions are caught between the pressure to be "tough" with drunk drivers and the limitations of the local jail system. They will be aware that offenders cannot be housed in the jail unless current occupants are released or transferred. Moreover, because judges deal with criminals of all types, they are particularly aware of the significance of jail overcrowding and its impact on the entire criminal justice system.

The courts also are frequently under pressure from groups, such as MADD and RID, that have court-watch programs for DWI trials. Judges have a

number of opportunities for initiating community action to overcome crowding because of their stature within the community. They can bring this issue directly to the county board or city council. They can also raise the issue directly with the local drunk driving task force or citizen activist groups. Finally, judges can be especially effective in taking issues directly to the public.

## Citizens' Groups

Most community drunk driving task forces have emphasized DWI legislation, its enforcement, and the courts. Until recently, little attention has been given to jails. But with the passage of legislation requiring mandatory jail penalties, the "problem" of the DWI

has expanded to include corrections. Local drunk driving task forces therefore need to add action in the corrections area to their agendas. Their regular assessment of the DWI control system should include a review of the impact incarcerating drunk drivers on local jails. Such task forces should be among the first to be aware of an overcrowding problem.

In communities without a drunk driving task force, local citizens' organizations can take the lead in developing corrections facilities for DWIs. Groups such as MADD and RID should add to their organizational activities a program to regularly review the status of jail programs for DWIs. Regular contacts with the local sheriff will yield information on jail overcrowding. Interested citizens should have the opportunity to visit the jail and to observe the programs for incarcerated DWIs.

## Section 2

### Getting Organized

A local drunk driving task force or a citizens' corrections advisory group provides a good nucleus for developing a comprehensive local corrections program for DWIs. It can also initiate an effort to increase correctional facilities. If such groups do not already exist, then developing community consensus on the expansion of correctional facilities may require the development of a "DWI Corrections Task Force," with representatives from at least five major elements of the community:

1. Corrections officials—the local sheriff, jailer, or director of corrections.
2. The courts—preferably the presiding judge and/or the local court administrator.
3. Law enforcement officials.
4. Local government—a representative from the city manager's office or the county government.
5. The citizenry—representatives from important civic and religious organizations, citizens' activist groups such as MADD and RID, and prisoner aid organizations.

The National Institute of Corrections (NIC, n.d., a) offers specific recommendations concerning the people who should participate in a community task force for the planning of a new jail facility. The list of individuals they specify for the organizing meeting is shown in Figure 2-1; the one organization not listed but obviously critical to the consideration of correctional facilities for DWIs is the local citizens' action group.

NIC's list of individuals who should be invited to participate in the task force is more extensive than the list required for an initial consideration of a problem. At the beginning, the principal issue will be: Does our community have a

problem, or do we anticipate one developing? And, if so, does the solution to that problem require new correctional facilities? Only after these two questions have been answered can it be determined whether significant new construction or leasing of facilities is needed. And only if there is such a need will the type of task force recommended by NIC be required. In approaching the initial questions, however, care should be taken to develop a task force that has

representatives from the five key elements listed above.

#### DWI CORRECTIONS SUBSYSTEM

Why is a corrections task force needed? Because the local jail is only one part of the corrections system. In fact, it is a part of two "systems"—the overall DWI control system and the larger criminal justice system.

Both the President's Commission on

Figure 2-1— Individuals Who Should Attend Initial Meetings on Building New Jail Facilities

#### WHO MUST ATTEND:

- County Sheriff
- Undersheriff/Chief Deputy
- Jail Administrator
- County Manager/Administrator
- County Commissioners, especially persons with oversight responsibility for the sheriff's and jail's budget
- County Attorney
- District Attorney
- Public Defender
- State Planning Agency representative
- News media
- Judiciary, at least one representative of the criminal bench
- Architect/Facility Planner
- Law Enforcement representatives, e.g., local Police Chiefs
- Court Services, e.g., Probation
- Citizens' Groups, e.g., League of Women Voters, AAUW, Taxpayer's Union, Chamber of Commerce, Bar Association

#### WHO MUST BE INVITED:

- Legal rights or prisoner legal aid group representative(s)
- Community-based resource persons from mental health, education, library, medical services, etc.
- County or facility planner
- Regional Planning Unit representative
- Jail Planning/Advisory Committee (if one exists)
- Local clergy, Council of Churches representative(s), etc.
- City Council or Mayor's Office representative
- Counsel for plaintiff if jail is currently under suit
- Jail Standards and Inspection Unit staff
- U.S. Marshal (if the county has a contract to hold federal prisoners)

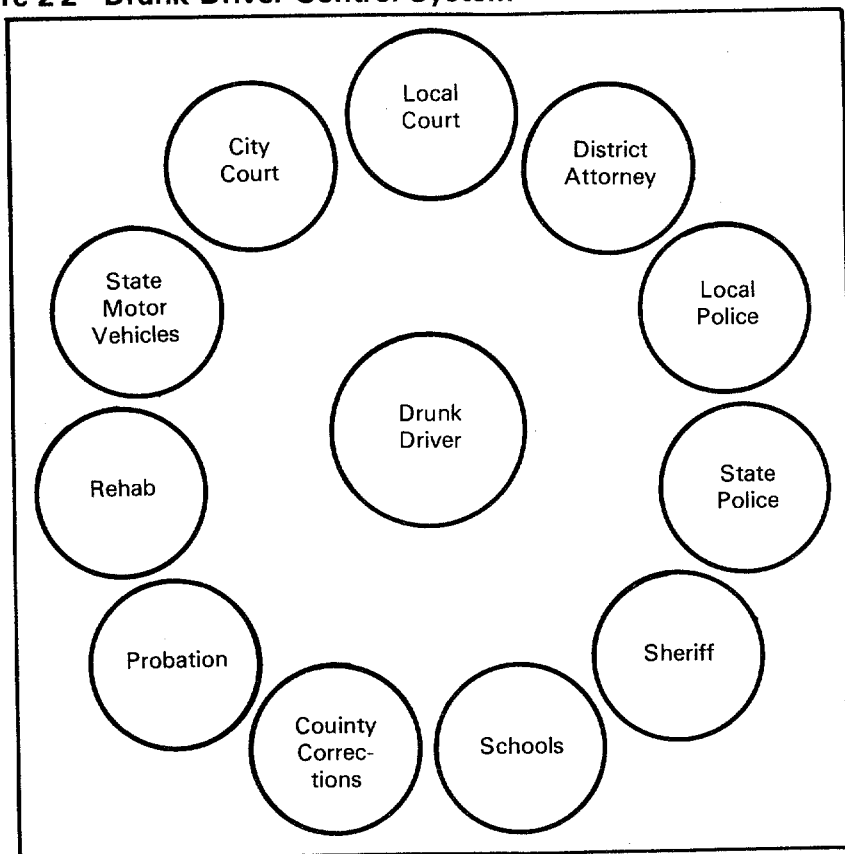
Source: National Institute of Corrections, "Planning of New Institutions Program" (NIC, n.d., a and b)

Drunk Driving (1983) and the National Highway Traffic Safety Administration (n.d.,b) have stressed the need to deal with the alcohol safety problem as a total system. Figure 2-2 diagrammatically illustrates the drunk driver control system. This system comprises all agencies and programs that are involved in the attack on the drunk driving problem.

Jail, probation, community service, treatment, and other corrections programs compose a subsection of the drunk driver control system. This "drunk driver corrections subsystem" is also, however, part of the overall criminal justice system dealing with all types of crime within the community. While some special community service or treatment programs exist just for drunk drivers, no community to date has separated its drunk driver corrections subsystem from the general corrections system. Nor is it likely that any will do so. As a result, those who are interested in improving the handling of DWIs must deal not only with the drunk driving population but with the corrections system as a whole, including those elements that are principally involved in handling other misdemeanants as well as felons.

In most communities, the DWI corrections subsystem is integrated with the overall criminal justice system (see Figure 2-3). The subsystem includes elements from all three phases of the total system—enforcement, adjudication, and corrections. Consideration thus must be given not only to jail facilities, but also to the small holding facilities that police departments maintain for holding drunk drivers until their BAC is low enough to permit release. For instance, these facilities require medical support for their infrequent, but nevertheless

**Figure 2-2 Drunk Driver Control System**



**Figure 2-3— Integration of DWI Corrections Subsystem with Criminal Justice System**

Criminal Justice Phase	DWI Corrections Functions				
	Screening	Confinement	Non-Residential Programs	Treatment	Probation
Enforcement	—	Holding facility	—	Detoxification	—
Adjudication	Pre-sentence Investigation	—	—	—	—
Corrections	Classification	Sentenced offenders	Community service programs	DWI rehabilitation programs	Offender supervision



important, cases in which detoxification is necessary.

During the adjudication phase of the criminal justice process, the most significant and frequent function directly related to the DWI corrections subsystem is the pre-sentence investigation (PSI). The PSI normally has a significant impact on sentencing alternatives and will determine the range of correctional programs to be utilized as well as the length of sentence.

Obviously, most programs connected with DWI corrections occur after the adjudication phase. Figure 2-3 lists five

corrections functions, screening and the four alternatives available to the courts: confinement, community, service, alcohol treatment, and probation. As part of a community's study leading to the definition of its need for new jail facilities, all of the elements in Figure 2-3 should receive consideration. In addition, the impact of any of these alternatives on the rest of the criminal justice system must be considered. Because the operation of the larger system must be considered in planning additional jail facilities for drunk driving

offenders, a DWI task force must represent the key agencies concerned—police, prosecutors, corrections, the courts, public health services, citizens groups, etc.

This critical working group can be formed in a number of ways and can operate under the authority of a number of different agencies. However it is established, it is an essential element in the development of a viable, comprehensive DWI corrections program. It is referred to throughout this manual as the DWI corrections task force.



## Section 3

### Setting the Task

#### SYSTEMS PLANNING

The job of the DWI corrections task force is to develop and implement a comprehensive local DWI corrections program. Effective systems planning can be a complex and relatively long process. This is illustrated by Figure 3-1, which shows a total systems model for the criminal justice planning process. The first four steps in this six-step planning process have to do with gathering data, analyzing information, and developing policy. Design and construction of the facility itself come only at the end of the process (see dotted boxes). Moreover, the design and construction part of the process is designated a "contingent activity" to emphasize the fact that the data gathering and analysis that occur in steps 1 through 4 may demonstrate that new construction can be avoided.

As Figure 3-1 illustrates, good correctional planning is complex. This volume describes briefly several of the key elements of this process. More detailed assistance is available from the National Institute for Corrections through its "Planning of New Institutions" or PONI program (NIC, n.d., a, b). This program, described more fully in Section 4, assists communities in bringing together the officials and citizens needed to manage a good planning effort. The program also helps train local officials in the requirements for planning and managing jail construction and provides direct consulting assistance on development plans.

Another resource for communities is the consulting program of the American Correctional Association. Experts from the Association's membership are available to assist communities in analyzing their needs and developing plans for new facilities (Section 4). Most of the

work involved in planning a new facility to accommodate the increase in DWI offenders will fall on community members, particularly local corrections officials. Many communities may find it desirable to seek outside expert assistance because of the complexity of the planning process and the importance of developing reliable data.

#### WHAT IS A COMPREHENSIVE DWI CORRECTIONS PROGRAM?

The increase in the number of DWIs sentenced to jail has come so suddenly for many communities that there has not been time to develop the coordinated program necessary for handling them efficiently. There is a need for the development of a comprehensive program for DWI corrections that integrates the resources of the community to meet the special needs of the DWI.

In developing this program, other types of offenders must be considered. Many offenders in local jails have drug and alcohol problems. Local corrections officials are likely to feel that it is not efficient or effective to separate one type of alcohol abuser from another. They will probably favor programs that are appropriate to all offenders with significant alcohol abuse problems rather than initiatives that appear to create special jails for special offenders. The problem of offender classification is difficult enough without further limiting the flexibility of local detention officials. Thus, in developing a comprehensive program for DWIs, it will be necessary for traffic safety officials to carefully consider and work with corrections officials and treatment specialists to determine whether some other categories of offenders can be usefully integrated into the comprehensive DWI program.

The major arguments for a program

specifically directed at DWIs are the large numbers of offenders in this category, the similarity in the length of terms they serve, the similarity in their alcohol problems, their relatively good income and job status, and their low risk for violence and escape. Certain other classes of offenders, such as shoplifters, may share a number of these characteristics and thus would be good candidates for integration into a comprehensive DWI program. On the other hand, programs developed for DWIs would probably not be very effective for drug abusers and many other types of misdemeanants.

A comprehensive DWI corrections program should include at least the following 10 elements:

1. Detention following arrest
2. Detoxification
3. Pre-sentence investigation and classification
4. Short-term jail sentences
5. Long-term (10- to 90-day) work release sentences
6. Prison sentences
7. Treatment and education
8. Community service
9. Probation supervision
10. Collections of fines and fees

In most communities, these elements will be provided by different agencies, both governmental and private. Some communities may wish to consider the alternative of integrating all or most of the services into a single facility under the management of a single agency. One locality considering this approach is Prince George's County, Maryland. The county is developing a DWI work release facility on the same property as the new county jail but outside the secure perimeter. Communities considering the construction or development of a comprehensive DWI facility may want to correspond with the Prince George's

The Total Systems Model has six phases. The activities of each phase proceed in a logical sequence, but they are not rigidly ordered.

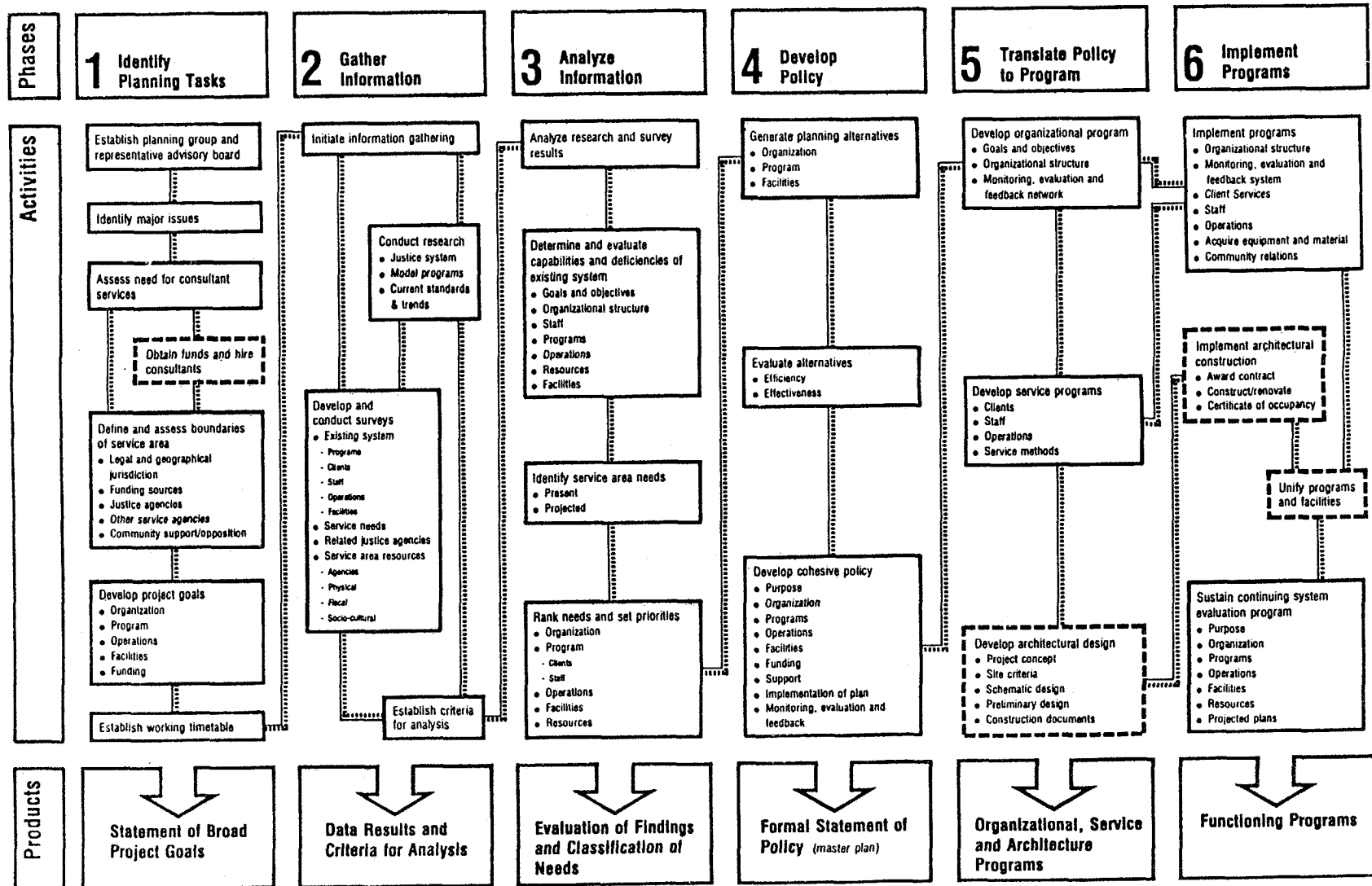


Figure 3-1  
Criminal Justice Planning Process: A Total Systems Model

Source: National Institute of Corrections, "Planning of New Institutions—Phase One: Community Meeting," (n.d.,b)

County Department of Corrections and obtain a copy of the consultant's study (Carter-Goble Associates, 1983) for the facility.

The specific services to be provided by the Prince George's DWI facility have not been fully defined. However, the facility will be capable of carrying out many, if not all, of the 10 activities that should be included in a comprehensive DWI corrections program:

### **1. Detention Following Arrest**

Policies regarding the detention of drunk drivers following arrest vary from community to community. In some areas, drunk drivers can be released into the custody of a family member or friend as soon as the paper work involved in their arrest has been completed. In other communities, the law requires that the drunk driver be held a minimum period of time, usually at least four hours, to ensure that the driver is at a safe BAC prior to release. A policy of holding drunk drivers until their BAC reaches a certain level (below .05%, for example) may require significant detention periods following arrest. Many drunk drivers are arrested with BACs above .30%, and their BACs could still be well above .05% after 12 hours.

The policy established with respect to DWIs following arrest must balance the risk to the offender and the public, should the individual drive again before he or she is sober, with the risk and cost of holding the driver in jail for a specified period of time or until sober. The District of Columbia, for example, has a roadside release policy. In the District, police are not empowered to hold drunk drivers following booking: DWIs must be released to a family member, friend, or lawyer providing this

can be done under conditions that protect the individual and the public. Because the District uses breath-test vans, it is possible to carry out the complete booking operation, including release, from the roadside. This procedure offers the greatest efficiency for the police department but involves the highest risk that drivers will return to the road before sobering up.

At the other end of the scale are police departments that detain arrested drunk drivers overnight to allow them to sober up before being released. This procedure is also not without risk. It is during detention that the risk of suicide and violence from other offenders may be greatest. The local lockups and small county jails in which drunk drivers are most likely to be detained are the facilities least likely to have the staff to provide the services most needed by them. Minimizing the risk of suicide, for example, requires constant supervision. However, many local lockups are under the management of a dispatcher who is responsible for radio communications as well as booking. In such cases, constant supervision is not possible.

A comprehensive DWI program needs to consider the local policies for detaining drunk drivers and the utility of providing detention under circumstances that offer the greatest safety for the DWI and the public. Where a jail annex or work release center designed especially for DWIs is planned, it may be desirable to provide space in the facility for holding arrested drunk drivers pending their release. Such a detention center would have treatment facilities for DWIs and thus would be able to provide the detoxification and suicide prevention services needed for some individuals arrested for DWI offenses.

### **2. Detoxification**

Detoxification services for drunk drivers are needed under two conditions. The first is during the booking period when a high BAC or a combination of alcohol and drugs produces a medical emergency. Because most police holding facilities and small local jails cannot provide detoxification services, individuals requiring this medical care must be taken to a local hospital.

The second condition under which drunk drivers may require detoxification is after sentencing when they report to the local jail. Over 50% of DWIs are problem drinkers. Because the shock of being sentenced to jail may produce heavy drinking, sentenced DWIs reporting to the local jail may be so heavily intoxicated or drugged as to require medical attention.

Most local jails have an arrangement with a medical facility to handle such medical needs. Depending on the locality, supervision of the offender may require that a correctional officer remain with the individual in the hospital until he or she can be returned to the detention facility.

Work release facilities developed for sentenced DWIs should include provisions for acute detoxification services. In this way, these facilities may also be useful to the community by providing an alternative to jailing the public inebriate. A detoxification center under medical or health supervision will normally have better facilities for monitoring such offenders to minimize the possibility of suicide than many local jails have. The detoxification center can provide beneficial support to the non-medical facilities in the work release center.

### **3. Pre-Sentence Investigation and Classification**

Many courts have an established procedure for pre-sentence investigation of drunk drivers. Such investigations focus on the extent of the alcohol problem presented by the offender. They also may include (1) the development of background information related to previous offenses, which may be considered in the sentencing, and (2) the job and family status of the offender, which can be taken into consideration in the setting of fines and fees.

Most frequently, the pre-sentence investigation is conducted by court personnel. Many courts, however, use outside private agencies to perform the pre-sentence investigation for a set fee. While some probation officers without special training can successfully identify problem drinkers, it is probable that individuals specially trained in screening for alcohol dependency can perform a more complete, in-depth analysis of the individual's drinking problem.

If the community establishes programs for handling sentenced drunk drivers in work release centers, it may be efficient for the trained counselors in these centers to conduct the pre-sentence investigations. This allows the court to sentence a DWI to the facility and program best able to meet his needs.

### **4. Short-Term Jail Sentences**

Sixteen States currently have mandatory jail sentences for first offense drunk drivers. The sentences generally run from 24 to 72 hours (NHTSA, 1983a). In some States, such as Colorado, 10 days of community service can be substituted. The intention behind such laws is to provide a shocking or salient experience that will impress the

drunk driver with the gravity of the DWI offense. Jail also serves a symbolic purpose: it is an overt expression of society's attitude regarding the offense. A study of the impact of a two-day jail sentence for first DWI offenders in Minneapolis, Minnesota, has shown that short sentences can produce a reduction in alcohol-related accidents (Falkowski, 1984).

Yet while jail time is supposed to be a "shock," local jail administrators frequently report that the experience does not appear to have the desired psychological impact. Overcrowded jails forced to accept large numbers of drunk drivers sentenced to a weekend in jail generally find it difficult to keep these offenders occupied. There is a danger that the experience may be perceived as a "vacation" rather than a punishment.

The extent to which a short jail term is perceived as punitive also depends on the individual. While a weekend in jail may prevent convicted drunk drivers from pursuing their normal weekend activities, drunk drivers who are not particularly active on weekends may find the change relatively innocuous.

Short sentences may have more impact if DWIs are required to do community service over the weekend or are confronted with the requirement of dealing with their drinking problem. Integration of a three-day sentence with an intensive diagnostic and education program, such as the Weekend Intervention Program (WIP) (Siegal, 1982) described in Volume II, is generally easier to implement in a non-secure facility.

### **5. Long-Term (10- to 90-Day) Work Release Sentences**

Jail sentences for second offenders generally run from 2 days to 60 days.

Sentences for multiple offenders can run up to one year. Because most convicted DWI offenders have jobs or can obtain jobs, it is important to provide an opportunity for work release programs. This will enable these offenders to pay fees to cover room and board during their incarceration as well as to pay victim restitution and other costs.

In addition to work release, longer-term sentences may facilitate the offender's attendance at treatment program sessions. This can be managed most easily if the treatment program is conducted at the work release center itself. While many local jails have procedures for work release, passing in and out of secure facilities creates security problems (e.g., smuggling in contraband) and requires considerable staff time to ensure that security is maintained. Serving long-term DWI sentences in non-secure local correctional facilities thus appears to be the most efficient approach to providing the offender with the freedom of movement needed to work and attend treatment.

### **6. Prison Sentences**

Few DWIs are sentenced to prison. However, a few do receive long sentences as a result of conviction for vehicle homicide, manslaughter, or second degree murder. Because these sentences may run for one or more years, the offenders often will be transferred to the State prison. Only those who receive less than one-year sentences are normally housed in local facilities.

The community should have a pre-release program for those drunk drivers who are sentenced to long terms of confinement (Rosenblum and Whitcomb, 1978). The pre-release period can be used to facilitate re-entry into the community, including transfer to local

treatment programs. This transition period also permits the individual to establish himself or herself in a job prior to final release to the community. Non-secure facilities are usually appropriate for pre-release programs.

In some cases, an individual sentenced to a long term can be appropriately diverted to a work release facility with maintenance charges paid by the State under a Community Corrections Act (McManus and Barclay, 1981) or a simple service agreement. Only those found through the classification process to be nonviolent and to pose no significant risk of escape or threat to the community would be appropriate candidates for such diversion programs.

#### **7. Treatment and Education**

Alcohol treatment and education programs must be tailored to the needs of the different types of DWI offenders. Educational programs or intensive diagnostic programs such as the Weekend Intervention Program (WIP) of Dayton, Ohio (Siegal, 1982) are appropriate for first offenders serving 24- to 72-hour sentences. The longer sentences of 30 to 90 days imposed on multiple offenders should provide an opportunity to initiate a long-term treatment program that begins while the individual is incarcerated and is then carried on beyond the termination of the sentence.

Because most DWI offenders are not likely to be sentenced to terms of a year or more, all treatment programs need to include referral to community treatment and support organizations such as Alcoholics Anonymous. In this way, treatment of problem drinkers can continue beyond release. If correctional treatment staff can provide therapy and other services to released offenders, it may be appropriate for some released offenders to continue treatment at the detention

facility in which they served their sentence rather than transferring to a private program.

It may, in fact, be most efficient to house the treatment capability at or near the correctional facility, not only for the efficiency of the treatment program but also as a convenient resource for the occasional DWI who needs detoxification care.

#### **8. Community Service**

Community service can be an important adjunct to incarceration and, in many States, is a legislated alternative to jail sentences. In some cases, this community service requirement can be used by the detention facility itself to obtain some services (e.g., cleaning, cooking, painting) for which it would otherwise have to pay.

Communities and States that specifically permit community service in lieu of jail must develop a mechanism to manage the program. Management can be carried out by a private volunteer organization, using its own facilities and own sources of revenue from offenders and charitable organizations. Generally, however, a community service program will require a stipend from the local government. Depending on the length of the community service sentence, the cost per offender may be less than the maintenance costs in a local jail.

#### **9. Probation Supervision**

Some drunk drivers may be sentenced directly to supervised probation. In the past, unsupervised probation was used most frequently. This is changing, however, with the growing trend toward tougher penalties for drunk driving. Supervised probation provides an opportunity for ensuring that the problem

drinker continues to attend a treatment program for at least a one-year period.

#### **10. Collections**

A significant problem in many DWI programs is ensuring the collection of fines and fees. Frequently, offenders are unable to pay at the time of sentencing and are allowed to undertake time payments. Where a time payment program is permitted, collection costs can be fairly high. In some instances, considerable revenues are never collected. Private treatment programs appear to be fairly successful in making collections because they require payment before certifying to the court that the conditions of probation have been met.

Work release centers can generally assist in collections because offenders either must turn over their checks for disbursement by the center's director or must bring in the check stub to verify the hours worked. With this type of control, the work release center can generally ensure that offenders pay their fines, fees, and victim restitution payments. Controlling the released offender and making collections can, of course, become more difficult. Because drunk drivers are expected to pay a large portion toward their maintenance and for the services they receive, the establishment of an effective funds collection system is important and should be included in the development of a comprehensive DWI program.

The ten components of a comprehensive DWI corrections program just described will usually be the responsibility of several different community agencies, both public and private. The development of a coordinated and comprehensive program will therefore require bringing together representatives from the various responsible agencies.





## Section 4

### Getting Help

A local DWI corrections task force can obtain help from a number of sources: national technical associations, Federal agencies, and citizen support groups. This section describes the major sources of assistance available to communities. These organizations should provide an entry to the many information resources that exist in the corrections field.

#### NATIONAL TECHNICAL ASSOCIATIONS

The two major national technical associations involved with corrections are the American Correctional Association, whose membership includes more than 15,000 corrections professionals, and the National Sheriff's Association, which includes among its membership the majority of the nation's 3,000 sheriffs. Both organizations can provide many useful services to local communities considering expanding their correctional facilities.

#### The American Correctional Association

The American Correctional Association (ACA) provides a number of major services to its members and to the public at large. Perhaps the best known of these services is the establishment of standards for correctional facilities and services. The association maintains a standing committee on standards. Through this committee, standards for a broad range of correctional facilities and programs have been established. These are shown in Figure 4-1. The boldface titles indicate the manuals most applicable to DWI programs. The manual *Standards for Adult Local Detention Facilities* covers local jails. The manual *Standards for Adult Community Residential Services* includes work release centers. Finally, *Standards for Adult*

*Probation and Parole Field Services* applies to drunk drivers who are placed on supervised probation.

The development of standards is an effort by the corrections community to improve the quality and efficiency of correctional programs across the country. It is, in part, a response to pressures applied by the courts as a result of litigation on offenders' constitutional rights. An independent body, the Commission on Accreditation for Corrections, manages the process of accrediting facilities and services under the applicable ACA standards. For the local jail system that has come under pressure from the community or the

courts, accreditation may be a means of establishing the quality of the facility as well as a means of reducing public and official criticism. Those wishing to receive information on the accreditation process can write to:

The Commission on Accreditation for  
Corrections  
6110 Executive Boulevard  
Suite 600  
Rockville, MD 20852  
(301-770-3097)

The American Correctional Association also provides technical assistance to State and local governmental agencies and departments of corrections. The

#### Figure 4-1— ACA Standards Manuals

Manual of Standards for Adult Parole Authorities, 2nd Edition (June 1980)

Manual of Standards for Adult Community Residential Services, 2nd Edition (August 1980)

Manual of Standards for Adult Probation and Parole Field Services, 2nd Edition (March 1981)

Manual of Standards for Adult Correctional Institutions, 2nd Edition (January 1981)

Manual of Standards for Adult Local Detention Facilities, 2nd Edition (April 1981)

Manual of Standards for Juvenile Community Residential Services, 2nd Edition (January 1983)

Manual of Standards for Juvenile Probation and Aftercare Services, 2nd Edition (January 1983)

Manual of Standards for Juvenile Detention Facilities, 2nd Edition (January 1985)

Manual of Standards for Juvenile Training Schools, 2nd Edition (January 1983)

Manual of Standards for the Administration of Correctional Agencies (June 1979)

problem and methods for bringing community resources to bear on the problem. It should be useful to government leaders and citizens interested in organizing a task force on corrections for drunk drivers.

- c. *Procedures for Identifying Problem Drinkers: A Screening and Assessment Package for Courts and Treatment Agencies: A Self-Instructional Guide* (NHTSA, 1985). This manual gives a full description of the Mortimer-Filkins tests which is one of the best validated questionnaire and interview forms for identifying problem drinkers in the court setting. The manual permits probation officers or other court personnel to train themselves to use this screening test.

3. The National Highway Traffic Safety Administration also provides funding for local traffic safety programs through Sections 402 and 408 of the Highway Safety Act. Section 402 of the Act provides grants through a formula based on State population and road mileage. The grants are administered by the State Offices of Highway Safety headed by a Governor's Highway Safety Representative. A list of the State Highway Safety Representatives and the addresses of the Offices of Highway Safety for each of the 50 States is provided in Volume V of this manual. In the past, relatively small amounts of this funding have gone to correctional activities.

Section 408 of the Highway Safety Act authorizes incentive grants to States that enact certain drunk driving laws and put in place specific drunk driving programs. Information on eligibility criteria and the status of your State can be obtained through the State Office of Highway Safety.

Still another source of funding for DWI correctional programs is contained in the recent highway legislation passed by Congress that established penalties for States that do not have an age-21 drinking law. This legislation provides for additional grants to States that enact laws establishing stricter penalties for first-, second-, and third-offense DWIs. Rules for the transfer of these funds to the State Offices of Highway Safety are currently being developed. Applications for these funds should be submitted to the State Office of Highway Safety.

#### *National Institute of Corrections*

The National Institute of Corrections (NIC), an arm of the U.S. Department of Justice, provides assistance to States and localities through a number of different services. Among the most significant programs for localities concerned with jailing DWIs are the following:

1. PONI Program. The NIC Jail Center in Boulder, Colorado, manages a program entitled *Planning of New Institutions: A Systematic Response to Correctional Planning Problems* (NIC, n.d., a and b). This program is

specifically designed to assist communities planning to construct new secure facilities.

The PONI program consists of three phases. Phase I involves a community meeting at the local level to bring together the key decision makers in the development of new correctional facilities. Phase 2 consists of a week-long training seminar at the Jail Center for the local officials who are most involved in the development of the new facility. Phase 3 involves continuing technical assistance during the construction of the facility. Because of the complexity and cost of constructing new secure facilities, communities undertaking such construction will want to participate in the PONI Program. An application for this program is contained in Volume V.

2. The National Institute of Corrections also maintains an information center with a highly specialized collection of publications on correctional issues. This center researches issues on request from local authorities and provides communities with references and/or photo copies of specific documents. Requests for assistance should be directed to:

National Institute of Corrections  
Information Center  
1790-30th Street  
Boulder, Colorado 80301

#### *National Institute of Justice*

Another agency of the Justice Department, the National Institute of Justice

sponsors research and data collection. The results of these activities are published in a number of documents useful to local correctional planners. Among those of specific interest to individuals planning correctional programs for drunk drivers are the following, all of which are available through the NIC Information Center:

1. *Community Service by Offenders* (Harris, 1979). This publication provides an overall review of community service programs in the late '70s and gives the step-by-step procedure for establishing such programs. It also includes examples of the forms required to operate an effective community service program.
2. *Fees for Supervision* (NIC, 1983a). This report describes the procedures used by States to collect fees from offenders for probation supervision. The report includes examples of State statutes and a summary of the amounts collected by various States.
3. *Report to the Nation on Crime and Justice* (DOJ, 1983a). This report, produced by the Bureau of Justice Statistics, provides the best overall compendium of statistics relating to the criminal justice process, including the costs of prisons and jails.
4. *Profile of Jail Inmates: Social Demographic Findings from the*

*1978 Survey of Inmates of Local Jails* (DOJ, 1978). This Bureau of Justice Statistics publication is also available directly from the Bureau of Justice Statistics, National Criminal Justice Reference Service, Box 6000, Rockville, MD 20850 or from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. This is but one of a large number of BJS statistical reports that are particularly relevant to correctional planners.

5. *Program Models, Community Correctional Centers* (Carter et al., 1980). This publication describes a survey of local community correctional centers and offers recommendations for the planning, operation, and evaluation of such centers.

#### **CITIZENS' SUPPORT ORGANIZATIONS**

A number of citizens' groups have been formed to work with specific jail problems and to support specific correctional programs. A list of these organizations is available from:

The American Correctional Association  
Suite L-208  
College Park, MD 20740

In addition to these organizations, national victims organizations such as

Mothers Against Drunk Driving (MADD) and Remove Intoxicated Drivers (RID) can help bring public attention to correctional problems and mobilize public support for correctional programs.

1. RID, a citizens project to "Remove Intoxicated Drivers," can be reached at P.O. Box 520, Schenectady, NY 12301. Local RID chapters are concerned with the appropriate punishment of the drunk driver. RID does not favor jail on first offense but supports jail for multiple offenders.
2. MADD, headquartered at 669 Airport Freeway, Suite 310, Hurst, TX 76053, is a rapidly growing organization with just under 300 chapters nationwide. MADD favors short jail sentences for first offenders and promotes strict punishment of drunk drivers.

If MADD or RID chapters exist in the locality undertaking the development of correctional facilities for DWIs, these organizations should be invited to participate along with other citizen groups in the task force established to deal with the DWI jail problem. By representing the victim's view in the correctional process, such groups can sometimes provide an orientation that would otherwise be lacking. Their support can be crucial to obtaining popular support for new jail construction.

### 5. How many arrests will be made in the future?

In order to determine whether the community has a significant problem in handling DWI offenders, it is necessary not only to know the current arrest rate, but to estimate how this rate will change over time. An example of such a projection study for Prince George's County, Maryland, illustrates the problem.

Figure 5-1 shows the number of arrests in Prince George's County between 1975 and 1982. Overall, the number of arrests per year increased rapidly during that time from 259 to 4,064. The figure also indicates the large variation in the growth rate from year to year.

The study projected the arrest experience of the county between now and the end of the century in two ways. One estimate was based on the assumption that future growth in arrests will be limited to the county's growth in population. The second estimate was based on the assumption that the recent rapid growth in arrests will continue. The second projection assumes that the arrest rate will continue to increase at about 5% a year, which is twice the population growth rate. This projection means that the number of arrests in the year 2000 would be approximately double the conservative projection. This exercise illustrates the importance of projecting the expected arrest rate.

### 6. How long a sentence is imposed on each offender?

The average length of stay in jail is as significant as the number of offenders in determining the number of jail beds needed for handling an offender population. The National Institute of Corrections (NIC, n.d., a and b) provides a

good example of one method used to determine the number of beds needed based on length of sentence. Figure 5-2 shows a typical distribution of length of stay in a local jail. The first group—with stays of 24 hours or less—

generally consists of people who have been charged with an offense and who are awaiting arraignment; in an average jail, this may constitute almost two-thirds of the total population. Group 2 might represent first-offense drunk driv-

**Figure 5-1— Projection of DWI Arrests in Prince George's County, Maryland**

Year	Number of Arrests (Actual)	Percent Change
1975	259	
1976	264	+ 2
1977	546	+ 107
1978	1,488	+ 173
1979	1,949	+ 32
1980	1,997	+ 2
1981	2,867	+ 44
1982	4,064	+ 42
	Projection #1 Population Growth	Projection #2 5% Increase Per Year
1983	4,143	4,267
1984	4,223	4,481
1985	4,302	4,705
1990	4,302	4,705
1990	4,698	6,004
1995	4,953	7,663
2000	5,841	9,781

Source: Carter-Goble Associates, Inc., September 1983

Figure 5-2— Calculating Average Daily Population of a Jail

Group #	Time	Percent of Population	Number of Bookings	Average Length of Stay (Days)	Jail Days
1	24 hrs	63%	5,040	1	5,040
2	48 hrs	14%	1,120	2	2,240
3	1 week	14%	1,120	5	5,600
4	1 month	4%	320	20	6,400
5	+ 1 month	<u>5%</u>	<u>400</u>	90	<u>36,000</u>
TOTALS		100%	8,000		55,280

- Average daily population = 152  
(55,280 jail days ÷ 365 days in year)
- Average daily population = 80% of capacity needed
- Actual capacity needed = 190  
(152 ÷ 80%)

Source: National Institute of Corrections, "Planning of New Institutions Program" (NIC, n.d., a and b)

ers who are serving a mandatory two-day jail sentence, while Groups 4 and 5 might include multiple offender drunk drivers.

The third column of Figure 5-2 shows the distribution of bookings based on a hypothetical 8,000 bookings per year. The next column indicates the average length of stay for each group. The final column is obtained by multiplying the number of bookings by the average length of stay to provide the number of jail days per group. The relationship of bookings and sentence length to number of resident days is shown in Figure 5-3. The relatively few who are sentenced to

longer terms account for most of the resident days.

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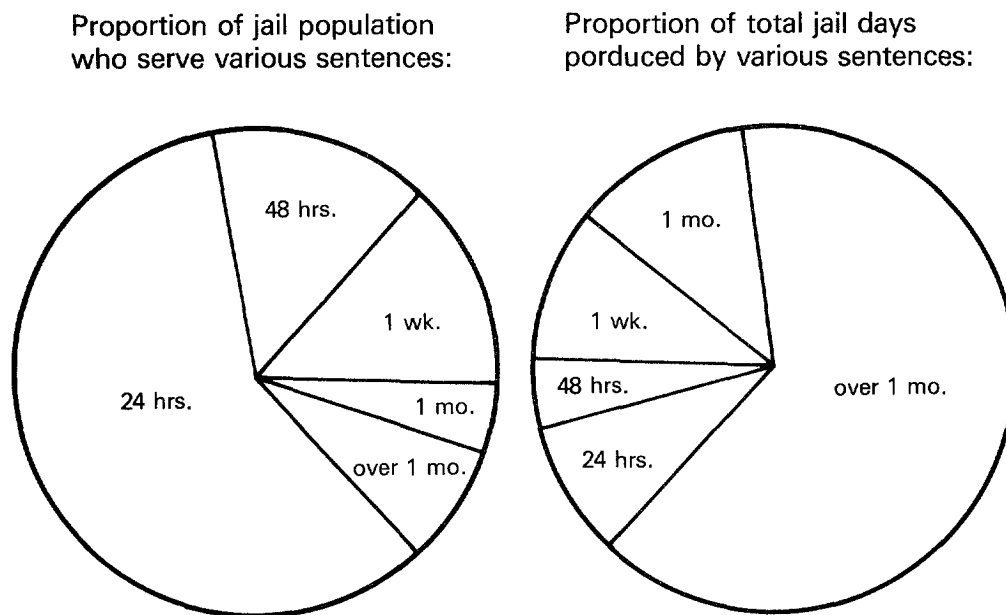
## 7. Are there special sentencing requirements?

In addition to knowing the total number of offenders who must be accommodated in a jail and the length of their sentences, it is necessary to determine whether there are special requirements that limit the handling of offenders to certain time periods or certain types of facilities. An example of these requirements and their effects on jail populations is shown in Figure 5-4, which gives data from the Carter-Goble (1983) study for the Prince George's County Department of Corrections. In Prince George's County the district and circuit courts impose two types of jail sentences on drunk drivers: a straight sentence, which is served at any time but usually immediately following adjudication, and a weekend sentence, which permits the offender to come in only on Saturdays and Sundays.

The figure illustrates the impact of this restriction in sentencing. The average "straight sentence" population of 18 must be accommodated each day of the week. The average "weekend sentence" population of 30 can be accommodated only on weekends. Therefore the actual peak population for the facility is 48. This peak occurs from Friday evening to Sunday evening. The average population for the rest of the week is less than half this weekend peak population.

Obviously, a jail that must accommodate this type of special sentence requires significantly more beds in comparison to a jail in which all offenders are sentenced to straight sentences. In most communities, the impact of "weekend sentences" can be minimized by converting recreational spaces to dormitories for the weekend and using movable cots rather than by providing permanent bed space. If reg-

**Figure 5-3 Effect of Length of Residence on Jail Population**



Source: National Institute of Corrections, (n.d., b)

ular bed space is desired for the weekend sentenced offenders, the jail facility must be much larger than that needed if all sentences are straight time.

#### 8. What will be the required jail capacity during the next 20 years?

A normal planning period should extend at least 20 years. Most new facilities will be in place for at least that period, and secure facilities will tend to have significantly longer life times. Projections beyond 20 years, however, are likely to be relatively inaccurate and

therefore not useful in the planning process.

The average number of beds required per day to accommodate drunk drivers can be calculated by multiplying the expected number of arrests (extrapolated into the future) by the average length of sentence (factoring in any restrictions such as weekend sentencing). The current requirement and the requirement for 10 and 20 years ahead can be determined in this way.

#### 9. How does the projected requirement for bed space for drunk drivers compare to the

#### current and projected capability of existing or planned facilities?

Comparing the projected number of beds needed for drunk drivers with the expected capacity of the local jail should be a relatively straightforward process. However, it must be kept in mind that there is pressure on the criminal justice system in general to increase enforcement and strengthen penalties for all types of crime. An adequate determination of the spaces needed for DWIs will require a calculation of the spaces needed for other types of offenders. This process should proceed along the steps already described. Because the requirements for offenders other than drunk drivers must be projected, the task force concerned with DWIs must include correctional officials and specialists who are familiar with the trends in all areas of criminal justice and who can provide the data necessary for projecting these needs the planning operation.

**Figure 5-4— Average Daily DWI Population, 1982/83 Prince George's County, Maryland, Department of Corrections**

	<u>Weekend Sentence Population</u>	<u>Straight Sentence Population</u>	<u>Peak Population</u>
District Court	26.9	10.3	37.2
Circuit Court	3.2	7.8	11.0
<b>TOTAL ADP</b>	<b>30.1</b>	<b>18.1</b>	<b>48.2</b>

Source: Prince George's County Department of Corrections' Population Lists. Calculations by Carter-Goble Associates, Inc., September 1983

## Section 6

### Considering Alternatives to Construction

#### WHY PLANNING IS IMPORTANT

Three years ago, the jail in Anywhere USA was overcrowded. Offenders were being doubled up in single-person cells. Inmates were threatening to launch a court suit to improve conditions. On top of this problem, the State passed a tough new drunk driving law that required a 72-hour jail sentence for all first-offender drunk drivers and a 30-day sentence for multiple offenders. Because a thousand DWI arrests were made each year in Anywhere USA, the jail problem appeared likely to get worse.

The first response of Anywhere's city government was to build a new jail. With capacity doubled, they thought the problem would be brought under control. But today, both the new and old jails are overcrowded.

What happened?

It turns out that, with additional space available, the criminal justice system changed many day-to-day practices with the result that the new space was rapidly used up in unexpected ways. DWIs as well as other offenders who previously would have been placed in community service or treatment programs by judges were now sent to jail because there was room for them.

Because there was room to hold them in jail, offenders awaiting trial were less likely to be granted bail or placed under personal recognizance.

Offenders sentenced to terms in the State prison were not transferred as rapidly to the overcrowded State facility because the pressure on State corrections officials was relaxed when there was more room in the local jail.

Probation officers who had been under great pressure to complete their PSI reports so that offenders could be transferred to other correctional pro-

grams felt the pressure reduced and failed to meet previous deadlines.

Some of these changes were good. They resulted in better, more careful handling of offenders. But most were unforeseen by the planners. The result was that, after making a large investment in a new jail, Anywhere USA found itself facing the same problems it had been facing only a few years earlier—overcrowded jails and an increasing number of DWI offenders who could not be accommodated in a normal manner.

#### The Tendency to Use the Most Expensive Alternatives

Most local courts have considerable flexibility in choosing among options for sentencing both DWIs and other offenders. These options normally vary in their cost and availability, as illustrated in Figure 6-1. The probation officer making a recommendation to the court and the judge sentencing an offender are aware of what alternatives exist. They know the extent of jail overcrowding

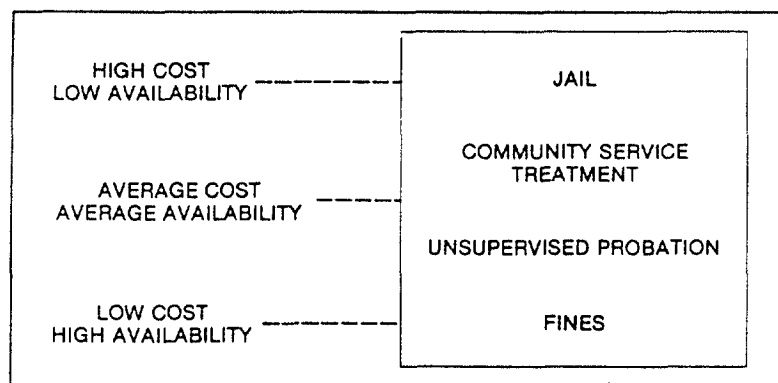
and the availability of community service or treatment programs. Sentences are handed down with these factors in mind.

When additional jail space or new community service programs do become available, they frequently are filled with offenders who otherwise would have received less intensive sanctions such as unsupervised probation or fines. Correctional planners have frequently been frustrated by this tendency. Too often, community service and intensive probation programs that were established to help reduce jail crowding—by allowing the courts to replace jail sentences with non-residential sanctions—have failed to fulfill this function. The courts have continued to sentence the same number of offenders to jail, including offenders who in the past would have received only fines or a community service sentence (Krajick, 1982).

#### The Key Requirements of Planning

How can a community ensure that expanding its local jail facilities to accommodate the expected increase in

**Figure 6-1**  
**Relative Cost and Availability of Corrections Alternatives**



drunk driving offenders will actually achieve that purpose? Planning for a new facility must include at least two critical elements:

1. Participation of the key officials in the local correctional system—police, judges, prosecutors, probation officers, sheriffs, jailers, treatment specialists.
2. Extensive collection and analysis of data on the number and types of offenders, the alternative programs available, and the community's expectations for the correctional program.

If the problems illustrated by Anywhere USA are to be avoided, it is important to begin at the beginning—by describing the drunk driver correctional system and its needs—rather than to leap to the conclusion that more jail space will solve the problem.

## **WHAT ARE THE ALTERNATIVES TO A NEW JAIL?**

In each community, a number of adjustments to current practices can be made that might create space for a larger number of DWI offenders to be assigned to the correctional system. The six areas described below are among those that should be considered. All six possibilities should be thoroughly studied before a decision is made to move ahead with the expansion of detention facilities.

### **1. Obtaining State Funding**

State prisons are generally more overcrowded than local jails (DOJ, 1983a). One method by which both the Federal and State governments have handled overcrowding is to leave offenders in local jails and reimburse the

localities for their costs until they can be transferred to the Federal or State facilities. A 1983 survey indicated that 8,078 State prisoners—approximately 2% of all State offenders—were being held in local jails (ACA, 1984a).

Communities should determine whether the local jail is housing State or Federal prisoners. If so, is the community being fully reimbursed? Can the State or Federal payments be used more efficiently to reduce overall corrections costs? If the State prisoners are not being efficiently accommodated, should an effort be made to have them transferred to a State facility?

The Federal Government and/or the State frequently will pay a locality a higher daily stipend than the actual cost of housing the offender. A National Sheriff's Association survey of local jail charges showed higher charges to the Federal Government than to other governments (Kerle and Ford, 1982). Therefore, it may be possible to operate a local detention facility at a profit if Federal and State inmates can be housed at a lower cost than the fees paid by the State or Federal Government. Another possibility for local governments is the provision of non-residential programs of community service and probation for non-violent State and Federal prisoners. These programs possibly could be operated at a cost well below the fees charged to the other governments. As part of the study of the overall correctional system within the city or county, the agreements with State and Federal authorities for housing offenders should be reviewed and consideration given to ways in which the local correctional system can improve its financial status.

Several States have Community Corrections Act legislation (MacManus and Barclay, 1982). This legislation permits States to make payments to counties for

the detention of serious offenders who otherwise would be the responsibility of the State correctional system. Since most State prisons are overcrowded, States that have passed such laws (Virginia, Kansas, Oregon, Minnesota, and California, among others) generally have found that providing localities with funding in lieu of housing an offender in a State prison is an economical way of avoiding large expenditures for the development of new State prison facilities.

If the locality can handle these prisoners at a lower cost than the subsidy received from the State, the extra funds can be used to help pay the costs of other correctional programs. This is the case, for example, when an offender who would be placed in a State prison can be handled locally through intensive probation or in a relatively low-cost work release center or halfway house. A useful description of typical Community Corrections Act programs is provided in the McManus-Barclay manual (1982) which is available from the American Correctional Association.

In addition to State and Federal prisoners, some communities hold offenders for nearby localities whose jail facilities are inadequate or overcrowded. The study of current corrections practices should determine how many of these offenders are being housed and whether the full costs for housing them are being reimbursed. An NSA survey of fees charged by local jails for housing inmates from other jurisdictions indicated that these charges were low—generally less than the average daily expenses reported by the jails (Kerle and Ford, 1982). The maintenance fee charged to other governments should be set to cover overhead as well as direct maintenance costs.



## 2. Pre-Trial Detention—Change in Bail Rules

A recent survey of local detention facilities operated by the 3,000 sheriff's departments around the country indicated that nearly half of the individuals in these jails are awaiting trial (Kerle and Ford, 1982). While some of these persons might not return to court to face their charges if they are released, some are being detained simply because they cannot raise the necessary bail. For some of these, there may be other methods of assuring appearance. Figure 6-2 briefly describes seven different release systems currently in use. Among the options listed are reducing the total amount of bail by allowing defendants to pay only a percentage of the full amount or permitting defendants to be released with no payment but making them liable should they fail to appear in court. It is also possible to release a defendant to a third party or agency that will supervise his or her movements and ensure appearance in court.

Modifying bail rules to release individuals who are good risks but who lack the funds to post bail can help create space for the detention of DWIs. A recent study (Toborg, 1981) indicated that even though 8 out of 10 unconvicted jail inmates had a bond set, 46% of them could not afford the bond. Thus, there is a significant potential for reducing a jail population through modification of bond policy.

The release of individuals without bond or on smaller bonds does, of course, increase the risk of non-appearance and of further crime while awaiting trial. These risks, however, may not be as great as generally believed. Pryor and Smith (1982) found that 85% of defendants released pending trial appeared for all court sessions.

They also found that only 4% of the defendants released on bail willfully absconded or were returned by force. Toborg (1981) found that 16% of all released defendants were rearrested while awaiting trial. This is generally consistent with Pryor and Smith's study,

which found that rearrest rates among released defendants ranged from 10% to 20%.

The extent to which the alternatives shown in Figure 6-2 offer a potential resource for reducing the overcrowding produced by DWIs will vary from

**Figure 6-2— Alternatives for Releasing Individuals Pending Court Appearance**

Both financial bonds and alternative release options are used today.

### **FINANCIAL BOND**

*Fully secured bail*—The defendant posts the full amount of bail with the court.

*Privately secured bail*—A bondsman signs a promissory note to the court for the bail amount and charges the defendant a fee for the service (usually 10% of the bail amount). If the defendant fails to appear, the bondsman must pay the court the full amount. Frequently, the bondsman requires the defendant to post collateral in addition to the fee.

*Percentage bail*—The courts allow the defendant to deposit with the court a percentage of the full bail (usually 10%). The full bail is required if the defendant fails to appear. The percentage bail is returned after disposition of the case although the court often retains 1% for administrative costs.

*Unsecured bail*—The defendant pays no money to the court but is liable for the full amount of bail should he or she fail to appear.

### **ALTERNATIVE RELEASE OPTIONS**

*Release on recognizance (ROR)*—The court releases the defendant on the defendant's promise that he or she will appear in court as required.

*Conditional release*—The court releases the defendant subject to specific conditions set by the court such as attendance at drug treatment therapy or staying away from the complaining witness.

*Third-party custody*—The defendant is released into the custody of an individual or agency that promises to assure his or her appearance in court. No monetary transactions are involved in this type of release.

Source: Department of Justice, 1983a

community to community. These have been growing concerns regarding the potential dangers to communities of the pre-trial release of dangerous criminals. While the traditional purpose of bail has been to guarantee court appearance, not to reduce crime, several States have taken actions to limit the granting of bail for certain types of crimes and to place additional controls on individuals who are released on bail. Most recently, the Supreme Court has gone on record as permitting pre-trial detention of juvenile offenders on the basis of their risk to the community rather than simply to assure their appearance at trial.

Whether, with the increased concern for public safety, a modification in bail rules will be acceptable to a community will depend upon local officials and the public. In any case, a significant part of the planning activity for new facilities should be a review of current bail policies with an eye to determining whether modification of these policies would make space available for more DWIs.

### **3. Greater Use of Probation**

Probation policy is another area that should be reviewed to determine whether it is possible to reduce the numbers of offenders currently incarcerated to make way for an increasing number of DWIs sentenced to jail. It may be possible to place non-violent offenders who are currently being detained in local jails on probation without significantly increasing the risk to the public or reducing the impact of the sanction.

For some offenders, probation may be as effective as incarceration in reducing recidivism and protecting the public. Also, depending on the intensity of the probation services, the cost of maintain-

ing an offender on probation may be considerably less than the cost of incarceration (see Volume II). In addition, the increased numbers of DWIs may in themselves increase the demand for probation services, a factor that must enter into the overall planning of the DWI task force.

### **4. Scheduling Flexibility**

All too frequently, jail sentences for drunk drivers are scheduled for the convenience of the offender rather than to fit the capabilities of the corrections system. Many judges believe it is essential to avoid interfering with offenders' jobs. As a result, they may allow DWIs who receive sentences of more than two or three days to serve the sentence on weekends. When this is done regularly, the jail will receive a large influx of DWIs on weekends. This may make it more difficult to handle these offenders than if they were spaced out through the week (see Volume III).

One alternative for courts to consider is sentencing drunk drivers to work release programs where they can serve their jail time during the week while maintaining their job status. Courts could also require employed DWIs to use their vacation time to serve weekday sentences. Such practices might permit some jails to handle a larger number of offenders. In considering the need for additional facilities, communities should therefore determine how their current facilities could be more effectively utilized if the courts would cooperate in sentencing DWIs on a more flexible basis.

### **5. Greater Use of Community Service**

A number of States use community service as an appropriate alternative to

incarceration (Harris, 1979; Krajick, 1982). Community service has also been used as a less costly alternative to jail for punishing the drunk driver (see Volume II). For example, the DWI legislation originally considered in Colorado called for mandatory jail for first-offense DWIs. However, the Colorado State constitution prohibits the State government from passing legislation that involves costs to the counties without providing revenues to offset the expense. When it became clear that jailing these offenders would be a significant budget item to the counties, the legislation was changed to allow the less costly option of community service.

Because community service involves the punishing aspect of work without remuneration, it provides an acceptable sanction for those who believe that the penalties for drunk driving should be increased. Where State legislation permits the option, communities can consider the substitution of community service for jail sentence. One of the issues arising in this connection is the length of community service in comparison to the length of the jail sentence. Standards for comparing community service sentences to jail terms are only beginning to emerge. In Section 408 of the Highway Safety Act, the Federal Government established a relationship between 2 consecutive days in jail (24 hours per day) and 10 days of community service (8 hours service per day). This would suggest that 40 hours of community service equates with one day in jail. On the other hand, in several ongoing community service programs surveyed by the California League of Alternative Service Programs (CLASP, n.d.), a relationship of one day in jail to eight hours of community service appeared to be typical among the sites surveyed.

The potential cost savings of using community service as an alternative to jail depend on this relationship. In some localities, 10 days of community service supervision cost as much as 2 days of jail (Volume II). The savings that can be realized by using community service instead of jail also depend on the organizations that accept and supervise the offenders. If volunteer organizations that are not reimbursed by the local government perform the supervision, the savings will be considerable. However, while community service is considerably less costly than incarceration, it is not free.

#### **6. Changing Policies Regarding Good Time and Work Credits**

A standard procedure in prison systems has been to reduce the time actually served by an inmate based on the inmate's good behavior during confinement. The extent to which sentences are shortened depends, of course, on the nature of the offense, the length of the sentence, and other factors relevant to the specific case. Jail terms for DWIs and other misdemeanants are generally three months or less. Yet reduction in time served has been applied to such short sentences as well as to longer terms. For example, Section 24-13-2110 of the Criminal Code of South Carolina (1976) permits a sentence of 90 days to be shortened to 60 days for good

behavior. Considerable variation exists among States in terms of the extent to which sentences can be reduced for good behavior. In seeking methods to reduce overcrowding in jails, one possibility is to modify "good time" policy to allow a greater reduction in the sentences of most offenders serving time. This process will normally require legislation, as credit for good time is generally written into State statutes.

Because of the pressure placed on State and local correctional systems by the courts, some States have passed legislation that automatically changes the State's normal sentence reduction procedures in the event of overcrowding. Michigan's legislature has approved an Emergency Prison Powers Act that is automatically triggered when its prisons are filled to capacity. The Act provides for emergency reduction of prison terms. Another approach is that taken by Minnesota through its Sentencing Guidelines, which establish sentence lengths that ensure a population capacity balance (DOJ, 1983a).

While release based on "good time" is mandated by State statutes, parole is a discretionary process that can be instituted by the paroling authority. In most prison systems, offenders are released on the basis of a parole decision. In 1978 and 1979, four out of every five releases from State prisons were based on parole. If a paroling

authority exists within the community, it may be possible for it to examine its policies and modify them to help reduce local jail populations.

In addition to these processes, many States also allow inmates to earn early release through voluntary work programs. Section 24-13235 of the South Carolina Criminal Code, for example, authorizes sentence reduction credit for public work programs. This statute contains several features that could be useful in reducing the number of misdemeanants in local jails and that may be particularly applicable to DWIs. The statute provides for a one-day reduction in sentence for every eight hours of public works labor performed by the inmate. It also establishes an administrative fee by which the offender pays for the cost of administering this public works program.

This procedure is analogous to the community service alternative. In the example from South Carolina, the trade-off is eight hours (one day) of community service work for one day in jail. This is comparable to the relationship between community service and jail time in the community service programs surveyed by CLASP (n.d.) and is somewhat more lenient (in terms of jail time) than the alternative of two days in jail or 10 days of community service contained in Section 408 of the Highway Safety Act.



## Section 7

# Funding Correctional Programs

Raising funds for correctional programs is a difficult problem for most local communities. The four major sources of funds generally available to communities are: (1) funds raised locally, (2) offender payments, (3) transfer funds from other localities and States as well as the Federal Government, and (4) Federal grants. All four are discussed in this section.

Fifty-three cents of every dollar expended in this country on criminal justice goes to support enforcement (Figure 7-1). Expenses for corrections fall mainly on State governments. The expense of corrections to counties, however, is significant: 27% of a county's total expenditures on criminal justice functions (DOJ, 1983a). Because the county sheriff is responsible for both enforcement and corrections, there may be some trade-off between these two functions at the county level. The increase in personnel required by overcrowded jails can force the transfer of sheriff's deputies from enforcement to correction activities.

### LOCAL FUNDING SOURCES

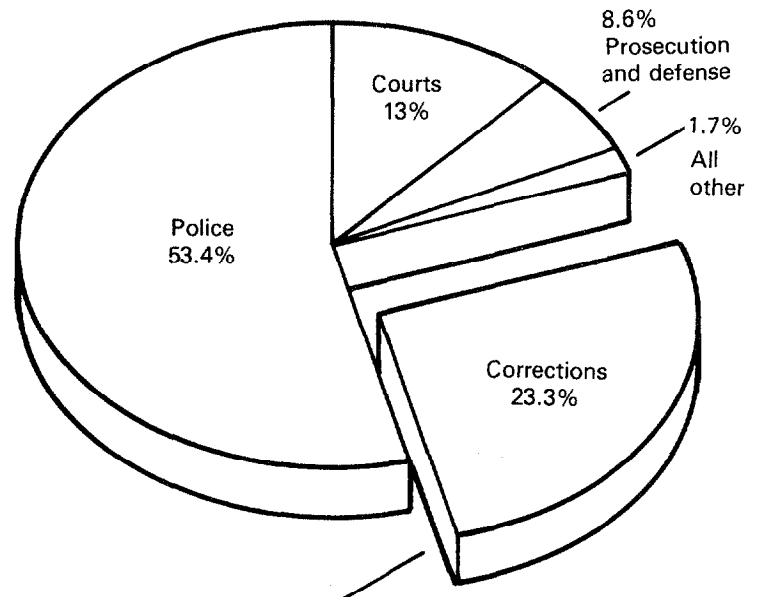
The majority of funding for jails comes from the county itself. Nederhoff (1984) lists five funding systems used by communities to build new jails.

#### 1. General Obligation Bonds

Perhaps the most widely used funding procedure is the issuing of general obligation bonds. The procedure normally requires the local citizens to approve the issuance by referendum. But such approval is frequently difficult to obtain. As noted in the National Sheriff's Association survey of local jails (Kerle and Ford, 1982), approximately 15% of the respondents reported that a

**Figure 7-1 Criminal Justice Expenditures in the United States**

23.3 cents of every dollar spent on criminal justice goes to corrections.  
Total criminal justice expenditures: \$26 billion



Source of corrections \$ as percent of total criminal justice \$

Federal government	1.4%
State government	13.6%
County government	1.9%
Municipal government	6.4%

Source of data: Department of Justice, Report to the Nation on Crime and Justice (1983a)

bond issue had been proposed within the last three years; however, one-third of these proposals had been defeated in the local referendum.

#### 2. Public Building Authority

An approach similar to general obligation bonds is the establishing of a public building authority with the power to issue revenue bonds for construction projects. Such revenue bonds are normally based on a long-term lease agreement with the county that issues the bonds. Through this lease, initial funds for construction are repaid out of operating revenues over a 20- or 30-year period.

#### 3. Lease with Option to Purchase

Communities can sometimes obtain funds from private or non-profit groups through a long-term lease agreement that gives the local government the option to purchase the facility. Land developers will often arrange such lease-option agreements. As with public building authority bonds, the initial construction costs must be met through annual lease payments out of county operating funds.

#### 4. Appropriations from the General Fund

Funds for construction or, more likely, for operating expenses that include lease or interest payments (to repay the initial construction costs put up by private investors) can be appropriated from the local general fund fed by property taxes. In some cases, communities can approve special sales or use taxes dedicated to supporting jail construction.

#### 5. Contract Facilities

The county or municipality can contract for detention services from a private profit or nonprofit firm. Payments can be based on the number of days of service provided, although localities must usually guarantee paying for a minimum number of beds. Private companies must, of course, recover initial property and construction costs as well as day-to-day operational costs through such contracts. An advantage to the county of such contracts is the avoidance of a large upfront investment. Also avoided is an addition to county civil service staff. Obtaining a budget appropriation is also facilitated because costs are easily related to numbers of offenders housed.

## OFFENDER PAYMENTS

The Presidential Commission on Drunk Driving (1983) and the National Highway Traffic Safety Administration recommend that alcohol programs be financed on a "self-sufficient" basis. This means that DWI offenders should bear the major—if not the total—cost of communities' efforts to enforce drunk driving laws. NHTSA has issued a manual entitled *A Guide to Self-Sufficient Funding of Alcohol Traffic Safety Programs* (1983b). This manual is available by writing to the National Highway Traffic Safety Administration. The manual describes not only how to raise funds from the drunk driver but how to manage those funds to ensure they are dedicated to the expenses involved in enforcing drunk driving laws.

### DWI Program Costs

Figure 7-2 gives the estimated total cost for arresting, prosecuting, and housing and treating the drunk driver. Based on 1983 dollars, this estimate suggests that if \$500 can be collected from the offender, the total average cost of enforcing the drunk driving program in a community could be reimbursed from this source. The corrections costs in this summary are limited to \$130. This figure is probably realistic for the first offender, as the 0-12 hour education program normally required of first offenders can be provided for approximately this amount. The combined jail and detoxification expense of \$70 is also probably realistic for States that require a maximum of 48 to 72 hours of incarceration. The average maintenance cost per day in a county jail is approximately \$26; thus the \$70 would underwrite two or three days of incarceration, as relatively few first offenders require detoxification.

The jail costs for second and multiple offenders could be considerably higher. Some States impose jail sentences of 10 or more days on multiple offenders. Such sentences would therefore require considerably more revenues.

Using the information in Figure 7-2, communities can determine the total amount that should be collected from

offenders to underwrite the costs of managing the first-offender program. This can be done in one of two ways. If good arrest data are available, the total DWI arrest rate for the locality can be multiplied by \$477 to determine the total amount that should be collected. This sum can then be compared with current program revenues to determine

Figure 7-2— Arrest, Prosecution, and Corrections Costs Per DWI Offender

<u>Alcohol Program Activity</u>	<u>Estimated Cost</u>	
Enforcement		
DWI Patrol	\$ 100	
Chemical Testing	25	
TOTAL		\$ 125
Adjudication		
Prosecution	\$ 50	
Court Costs	50	
Pre-Sentence Investigation	25	
Probation	40	
Public Defender	30	
TOTAL		195
Corrections		
Rehabilitation	\$ 50	
Detoxification	35	
Jail	35	
Licensing Action	10	
TOTAL		130
Management		
Administration	\$ 17	
Public Information	10	
TOTAL		27
TOTAL COST		\$ 477

Source: National Highway Traffic Safety Administration, 1983b

whether the amounts collected from offenders do in fact underwrite the costs of the program. This process is illustrated in Figure 7-3.

The second method can be used where good arrest data are not available. This method is based on the assumption that effective enforcement of drunk driving laws requires that 2% of all licensed drivers be arrested each year. Because about two-thirds of the total population have driver licenses, this means that about 1.2% of a community's population will be charged with DWI each year. Multiplying this figure by \$477 yields a DWI program cost of \$5.72 per resident. This estimate can be multiplied by the population of the community to determine the total amount of funding needed to underwrite the typical drunk driving program. A community of 100,000, for example, would need to collect \$572,000 to underwrite its drunk driving program.

The figures given in Figure 7-2 are, of course, rough averages. The cost of the drunk driving program in each community will vary. In order to have reasonably precise figures, each community must collect its own data. The manual prepared by NHTSA (1983b) gives a procedure for collecting such data.

#### Sources of Offender Payments

There are four primary methods for collecting funds from drinking drivers to support the drunk driving enforcement program:

##### 1. Fees

These are amounts paid by the offender for services that he or she receives as part of the DWI program. Fees are most widely used for paying for treatment programs.

##### 2. Assessments

An assessment is similar to a fee in that it is an amount set by the cost of a service. However, the offender may or may not receive the specific service that is supported by the assessment. Assessments have been established to cover such activities as blood alcohol testing, probation service, and the administration of alcohol programs.

##### 3. Fines

Like jail and unpaid community service, fines are a part of the penalty placed on the offender by the court. Because fines result in revenue to the community, the proceeds of fines are often used for the same purposes as fees and assessments. However, fines differ significantly in concept. A fine can be set at an amount far above the cost of any service received by the offender

because the purpose is to punish, not to provide service. On the other hand, a fine can be reduced or waived if the court believes that the seriousness of the particular offense does not merit the normal fine.

##### 4. Alcohol Taxes

The alcohol taxes that have been passed in some States (Maine and South Carolina, for example) significantly differ in character from other means of obtaining funds from offenders. These funds are collected from *all* individuals who drink. But they fall most heavily, of course, on heavy drinkers. Because DWI arrests are relatively rare, alcohol taxes are thus a method of collecting from individuals who are likely to drive after drinking but who avoid arrest. Where alcohol taxes have been increased, the proceeds are nearly always dedicated to the support of treatment

**Figure 7-3— Comparison of Alcohol Safety Program Costs and Revenues (Hypothetical Community)**

<u>Current Revenues from DWI Offenders</u>		<u>Current Revenue Needs</u>	
<u>Source</u>	<u>Amount per DWI</u>	<u>Source</u>	<u>Amount per DWI</u>
Rehabilitation Fees	\$ 75	Program Cost	\$ 477
Assessments	50	Current Revenues	<u>375</u>
Fines	250	TOTAL SHORTFALL	(\$102)
Alcohol Taxes	<u>0</u>	Total Shortfall per 1,000 DWI Arrests	(\$102,000)
TOTAL	\$375		

programs rather than to enforcement or judicial programs.

### **Collection of Fees for Correctional Services**

The principle of collecting fees from offenders for correctional service is well established. Fees are collected to provide reimbursement for maintenance in local jails and work release facilities as well as for probation and community service supervision. Fees are perhaps even more widely collected for alcohol rehabilitation services. Yet, while these procedures are well established, many community agencies fail to collect amounts sufficient to fully reimburse their costs. It is unlikely that sufficient amounts can be collected to reimburse the locality for the services provided to felons and to misdemeanants other than drunk drivers. Most offenders have few, if any, financial resources, and offenders who are incarcerated in secure facilities have limited opportunity to work. As a result, reimbursement from such offenders is normally only 20% to 30% of actual costs.

The drunk driver is more able to pay fees than most other offenders. He or she usually holds a job and sometimes has considerable financial resources. Correctional programs, such as alcohol treatment, that have been established principally to serve the drunk driver have found it possible to obtain from the offenders themselves most, if not all, of the financial support needed for their activity. In California, for example, a number of private for-profit firms succeeded in providing treatment services.

As the DWI population in local jails and community work release facilities increases, corrections officials need to revise their collection policies, at least with respect to the drunk driver. An effort should be made to recover the full

pro rata share of the facility expense from the DWI. This should certainly be possible for first offenders who receive limited correctional services at a low cost. The services (length of sentence, etc.) provided to multiple offenders are substantially greater. Therefore, the possibility of collecting the full costs of services to second and multiple offenders may be reduced.

A significant issue in assessing offender fees for correctional services is to ensure that individual offenders are not penalized if they cannot pay the fees. If the alternative to payment is incarceration, then the inability to pay could result in confinement beyond the time that the offender would have been released on probation had he or she not been indigent. To avoid this, most States have established a procedure for determining ability to pay. Florida Statute 945.30, for example, allows fees to be waived if the offender is unable to obtain employment, if the offender is a student, if the offender is handicapped, if the offender's age prevents employment, or if the offender makes support payments to dependents.

### *Facility Maintenance Fees*

Several communities provide for the collection of maintenance fees. First-offense DWIs should be quite capable of reimbursing the locality for the cost of a 48-hour jail stay. With the average cost of jail detention throughout the country approximately \$26 a day (DOJ, 1984), the total cost of incarceration would be under \$70. All fees should be established at slightly above the cost of average service so that those who can pay the fees will create a sufficient surplus to cover service to indigent drinking drivers.

It is standard practice in work release

facilities to collect a fee for maintenance from offenders who hold jobs in the community. In some cases, offenders are required to turn over their paychecks to the facility administrator who then disburses payments to meet the offender's costs for maintenance as well as for such items as fines, fees, victim restitution, and family support. In the past, fees paid by offenders in work release facilities have amounted to only a portion of their total maintenance cost. With the drunk driver, however, it should be possible to collect the full amount of service costs, though this may sometimes require that payments be set up on a time-payment basis so that the offender can continue making payments after release.

### *Community Service Program Fees*

The use of offender's fees to reimburse the cost of managing community service programs is a reasonably prevalent practice throughout most of the country. Of the 20 programs surveyed by the California League of Alternative Service Programs (CLASP, n.d.), 10 made use of offender fees. The fees varied from a nominal \$1.20 to pay for insurance up to \$75.00 for the total period of supervision. The most common fee was \$40.00. The CLASP report also noted that fees were charged only by private non-profit firms and that counties did not charge fees for community service programs managed directly by local governments. This tendency, while typical throughout most of the country, should be an issue for discussion in the development of local DWI programs. Where the services are provided by the government, the government, like private firms, should consider collecting fees as reimbursement for its services.



### *Fees for Probation Services*

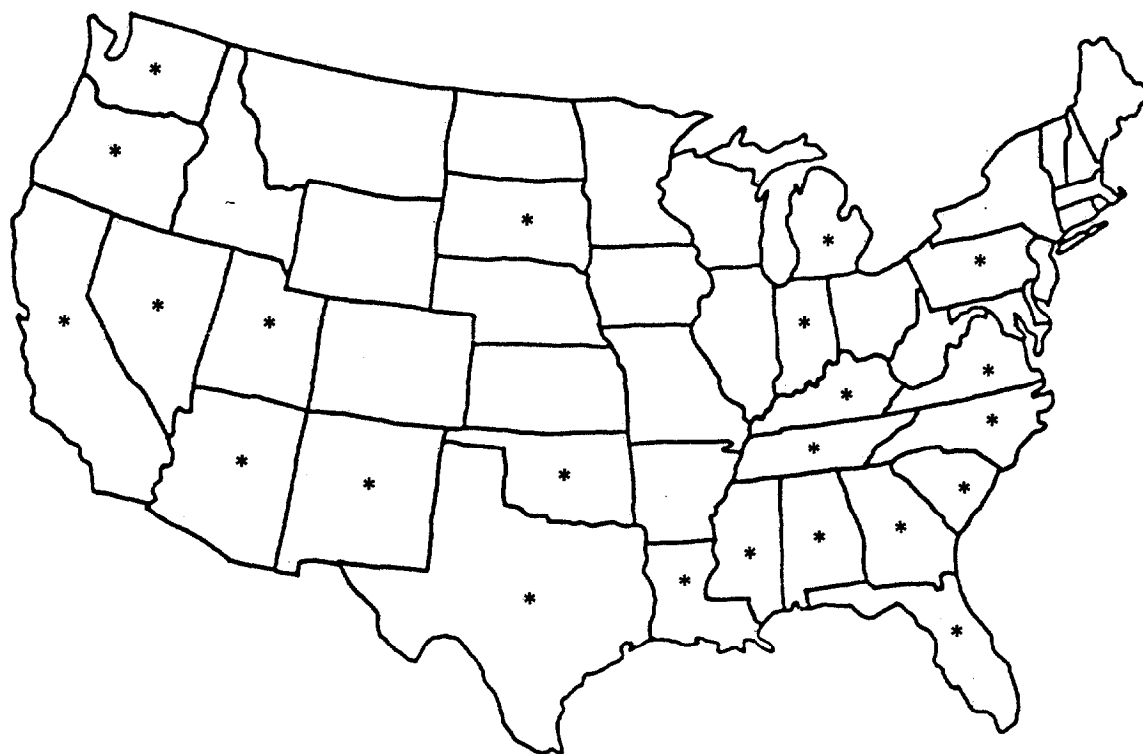
As of spring 1983, the 23 States shown in Figure 7-4 had passed legislation enabling the collection of fees to reimburse States or localities for probation services. This information was

contained in a summary report on supervision fees issued by the National Institute of Corrections (1983a). This summary report, which is available from the NIC Information Center, reviews State legislative policies and procedures and gives an overview of the

amounts collected. According to this report, there are five general policies with regard to collecting probation service fees:

1. Some States have established a monthly fee, generally \$10 to \$15.

**Figure 7-4 States with Legislation for Offenders' Fees for Probation Services**



Source: National Institute of Corrections, 1983a

2. Some States use a flat rate fee. The fee usually varies with the type of offense. Colorado, for example, assesses \$100 for felonies and \$50 for misdemeanors.
3. Some States have established a system of monthly fees with variable rates. The rates are set by the court. In New Mexico, the monthly rate can vary from \$15 to \$85.
4. Some States have left their probation fees unspecified. They allow the court to establish a fee within the offender's ability to pay the reasonable costs of probation services.
5. Finally, some States apply both an initial fee and a monthly fee. Indiana, for example, has an initial fee of \$50 for probation supervision of a misdemeanant, followed by a \$10 monthly fee.

As with all fee collections, an important issue is who receives the fee and who manages its disbursement. If the funds go to the State, they may or may not be returned to the locality to meet the expenses actually incurred at the local level. Probation and parole agencies usually support legislation that allows the agency itself to collect the fee and apply it directly to its own budget. This may be the most efficient and surest way of ensuring that users' fees actually go for the purpose intended.

#### *Fees for Alcohol Rehabilitation*

Offender fees are most widely used in supporting alcohol rehabilitation efforts. In California, the State legislature imposes a fee ceiling but individual counties are free to establish lower limits if they wish to. Treatment

providers must compete for county contracts in order to receive referrals from the court. The treatment providers are also required to provide services to a small number of indigent offenders who are unable to pay within the fee structure.

In other areas, more informal arrangements are made directly between the court and private treatment providers. In these cases the court selects among potential providers (both private and public agencies) and enters into an agreement to assign offenders to a program at an agreed-upon cost. In some areas, the court collects the fee from the offender and makes payment to the treatment provider. Most frequently, the fee is collected by the providers themselves.

A potentially difficult conflict of interest can arise if a treatment provider is also responsible for pre-sentence investigations and diagnostic assessments for the court. In such situations, the treatment provider is in a position to be able to recommend more or less expensive services, depending on its assessment of the offender's drinking status. To avoid this potential conflict, it is desirable that drinking assessments be done by firms or agencies that do not provide treatment.

Many DWIs can fully reimburse the cost of their treatment services. But some cannot. One practice adopted by treatment providers is to establish a fee that is somewhat greater than the average cost of providing service in order to create a fund for supporting indigent DWIs. This practice should also be applied to the collection of other correctional fees.

#### **TRANSFER PAYMENTS**

According to the survey of county jails by the National Sheriff's Associa-

tion (Kerle and Ford, 1982), 28% of local jails house Federal prisoners, 48% house State prisoners and 51% house prisoners from other county or municipal jurisdictions. In all such cases, it is standard practice for the jurisdiction whose prisoners are being held in another locality to make transfer payments for their maintenance. While the NSA report did not permit a direct comparison between a locality's cost for housing a prisoner and the locality's charge for that service to other jurisdictions, there was some indication that the charges were frequently lower than the actual expense involved. At the time of the survey, the average cost of housing a prisoner in a county jail was \$20.69 per day. But the average charges for those services were \$19.06 to the Federal Government and \$15.40 to the State governments. However, it is not clear from the data whether jails with lower expense levels are more likely to house transfer prisoners than jails with higher daily expenses.

Transfer payments for handling prisoners from the State and Federal Governments can be an important source of funds for the local corrections budget. Frequently, the locality can maintain an inmate for considerably less than it would cost the State or Federal Government to maintain the inmate in one of its own facilities. As a result, there is an opportunity for negotiating a payment schedule that saves money for the Federal and State Governments but also permits the locality to realize a profit.

#### **STATE AND FEDERAL GRANTS**

Figure 7-5 summarizes the percentage of county sheriff's departments that were receiving grants from various Federal and State agencies in 1976. These grants were for all elements of the sheriff's department, including enforce-

ment as well as correctional activities. Since then, funding by LEAA (Law Enforcement Assistance Administration) has ended, and funding under CETA (Comprehensive Employment Training Act) has been considerably curtailed, as has State support for local enforcement activities.

Funding from the Department of Transportation's National Highway Traffic Safety Administration and the State highway safety department (a portion of which is undoubtedly a passthrough of Section 402 funds from the Highway Safety Act) has been provided to sheriffs' departments primarily for enforcement activities. Section 402 funds are available to the States to develop innovative programs in the area of highway safety. The basic intention is to provide startup funding for a short period (generally three years or less). Funds from Section 402 are not intended as a continuing source of support for local programs. Rather, the locality is to gradually take over the expense of successful programs. In the past, these funds have gone primarily to support enforcement activity. Only rarely have programs related to corrections been funded.

Recently Federal legislation established Section 408 of the Highway Safety Act. This section provides incentive grants to States that pass specific types of legislation or initiate special programs in the area of alcohol safety. One of the programs that qualifies States for consideration for additional incentive funds is a provision for a mandatory 2-day jail sentence or 10-day community service sentence for second-offense DWIs. Under this incentive program States can receive funds that could be used for correction purposes.

Finally, the recently passed Public Law 98-363 also provides incentive grants for States establishing mandatory

48-hour jail or 100-hour community service sentences for first DWI offenders. Further information on funds available through the Highway Safety Act can be obtained from the State Office of Highway Safety. With the increasing emphasis on jailing drunk drivers, a portion of these funds should be available for establishing innovative correctional programs. Local task forces dealing with the problem of funding a comprehensive DWI corrections program may be able to receive assistance from the State Office of Highway Safety in meeting the planning and startup costs involved in establishing such a program.

The wave of drunk drivers sentenced to jail has hit local corrections programs

at a time when the majority are significantly underfunded. Localities are having difficulty obtaining sufficient funds to underwrite the jail expansion necessary to handle the increased numbers of incarcerated offenders of all types. The drunk driver need not be an additional financial burden to the community if procedures can be established for adequate offender payments. Additionally, some net flow of funds to the community may be realized through handling prisoners who would otherwise be assigned to the State and Federal Governments. Finally, startup funding may be available through the Highway Safety Act administered by the State Offices of Highway Safety. While these funds are limited, they may be impor-

**Figure 7-5— Percent of County Sheriffs' Agencies Receiving Funding for Law Enforcement Programs from Various Sources (1976)**

	Suburban Agencies	Rural Agencies
Number of Sheriffs' Agencies Reporting	280	751
Funding Source:		
LEAA	50%	43%
Highway Traffic Safety Administration	2	1
CETA	18	18
Unidentified Federal	1	*
State Planning Agency	36	33
State Highway Safety Department	7	4
State Crime Commission	5	4
State Standard & Training Commission	6	4
Unidentified State	2	2
Other	18	12
City Government	*	1
Regional Council of Governments	3	4
Private	—	—
Other	4	2

\* Less than 1%

Source: National Sheriffs' Association, County Law Enforcement: An Assessment of Capabilities and Needs (n.d.)

tant to communities since the support previously provided by LEAA is no longer available.

Local corrections programs must meet important civic objectives—protection of the public, supervision and treatment of offenders, protection of individual rights. But consideration must also be

given to the establishment of reasonably cost-effective programs and regular sources of support. While the basic community and justice needs cannot be subordinated to finances, financial considerations have been and will almost certainly continue to be an important limiting factor in establishing adequate

correctional programs. An adequate corrections program for the drunk driver need not complicate this situation. The solution lies in mobilizing communities to support an integrated approach to both the management and funding of correctional programs for DWIs.

## Section 8

# Generating Citizen Support

Once a decision has been made that it is necessary to build new detention facilities or to convert existing facilities, it is imperative to obtain the local community's support for the project. Occasionally, it is possible to develop residential centers with relatively little public concern and attention. One example of such development is the successful work release center located just off the campus of Colorado State University in Fort Collins, Colorado. Located in a leased sorority house, the facility manages the reentry into the community of felons from the State prison system. The property was initially rented to be used as a non-residential center for probation and parole activities. After operating as a day center only, it was converted to a residential center without widespread publicity or opposition despite its location in a sensitive neighborhood. Today, the building appears like all of the sorority houses surrounding it. There is nothing to distinguish the center from other university residential buildings, and there has been no major public relations problem.

Other examples of community residential centers that have been developed without outcry from the local neighborhood could be cited. Yet most examples—such as the first Montgomery County, Maryland, work release center (Rosenblum and Whitcomb, 1978) and the El Paso County, Colorado, COMCORPS work release center (Div. of Com. Corr., 1981)—were established in existing buildings within commercial neighborhoods well separated from residential areas. In general, building a detention or work release center in a community generates significant citizen opposition that must be overcome prior to obtaining official support and approval for the development of a new facility.

The problem for those who are organizing support for the expansion of detention facilities is twofold. First, citizen support must be developed to assure passage of local revenue referendums and/or convince local officials to approve the facility's budget. This requirement is typical of all public development efforts—from roadways to schools, libraries, hospitals, and local courthouses. The second requirement, more unique to efforts to develop correctional detention and treatment facilities, is to overcome the resistance most citizens have to placing such facilities in their neighborhood.

Because of this particularly sensitive second requirement, a carefully planned and effectively run public information program is a necessity where new correctional centers are to be established. This section describes a four-phased program based on the experiences of communities that have been successful in obtaining public support for such facilities.\*

### PHASE I - PREPARATION

By the time the initial decision has been made that a new corrections facility is needed, the nucleus of the DWI task force that will be needed to obtain official approval for the construction will already have been established. This group should include the local sheriff (or a representative responsible for county corrections), other local officials, and the heads of key local activist groups (MADD, RID, etc.) and other citizens groups (League of Women Voters, Chamber of Commerce, etc.).

\*A brief description of the Montgomery County, Maryland, program, which is a model for the one described in this Section, is provided in Volume V.

These organizations were listed in Section 1, "Getting Started." This core group becomes the means by which the public information program can be mounted. It will serve as the nucleus of the larger task force that must exist if sufficient support is to be organized to persuade local officials to authorize the development of new facilities.

### Study More Than One Site

Because neighborhood opposition may prevent the selection of any single site, it is important that multiple sites be studied. In this way, alternatives will be available if opposition to any given site develops to the point where it is not possible to proceed. Only occasionally will it be possible to focus all attention on only one site. This is most likely to occur when an addition is planned to the present jail facility. Even here, however, considerable neighborhood opposition may develop if the citizens see the additional numbers of the offenders as a potential threat to community peace.

The requirements for the facility should have been established as part of the process of evaluating expansion options and developing a mission statement. Potential sites can be identified with the assistance of corrections officials and other members of the DWI task force who may be aware of public lands or buildings that could accommodate the new facility.

Once a number of sites have been identified, it is important to develop a clear rating system for site selection. The rating system should relate the advantages and disadvantages of the site to the mission developed for the new facility and to its expected impact on local neighborhoods. Figure 8-1 is an example of a rating summary used by a county corrections department to de-

velop public support in selecting a site for the county work release center. By the rationale for evaluating each site in relation to the others, it should be possible for the DWI task force to reach an initial decision regarding the most feasible locations. However, no final site should be selected; as already noted, it is important to maintain some flexibility

to avoid being blocked by the rejection of a given site.

The objective listing of the advantages and disadvantages of each site will be used in presentations to the appropriate governing body (county board or city council) to obtain final approval of the site.

## PHASE II - DEVELOP WIDE SUPPORT FOR NEW FACILITY

Once it has developed a list of alternative sites, the DWI task force must begin the process of obtaining citizen support for a new detention center. In this phase, the emphasis should be on the *general need* for a new

**Figure 8-1**  
**Site Selection Criteria for Montgomery County Pre-Release Center**

Program Requirements								External Factors					
Legend 4 = Excellent 3 = Good 2 = Satisfactory 1 = Poor  Site.	Rating Score	Essential (Double Weight)			Environment for Residents	Outside Recreation & Visiting	Access and Parking	Expansion Capability	Site Size, Configuration, Topography	Timing	Utilities	Zoning (Master Plan)	(Double Weight) Community Acceptance
		Program Effectiveness	Central County Location	Transportation									
MONTROSE INDUSTRIAL CENTER	Score 56 Rank (1)	4 (8)	4 (8)	4 (8)	2	3	4	3	4 ① 3.75	2	2	4	4 (8)
HOLY FAMILY SEMINARY AND BUILDING	50 (4—tie)	3 (6)	3 (6)	3 (6)	4	4	4	4	4	4	4	2	1 (2)
RITCHIE PARKWAY SITE	48 (4—tie)	4 (8)	2 (4)	2 (4)	3	4	4	4	4	3	3	3	2 (4)
PARKLAWN DRIVE	47 (2—tie)	4 (8)	4 (8)	3 (6)	2	3	2	3	3 ② 3.81	2	2	4	2 (4)

Source: Montgomery County Department of Correction and Rehabilitation, Rockville, MD

- ① Written  
② Oral

facility rather than on its *specific location*. The purpose of this phase is to achieve citizen support from major area-wide organizations that can develop political support within the community. Figure 8-2 offers an example of the types of community organizations that should be contacted and mobilized to support the program.

It is in this phase that the task force may wish to obtain the services of a volunteer skilled in public relations to develop news releases and speech materials to help publicize the need for a new corrections facility. An individual familiar with public relations work can also assist the group in obtaining editorial support in the print media and the support of local electronic media through talk shows and interviews.

### **PHASE III - OBTAIN NEIGHBORHOOD ACCEPTANCE**

Once community acceptance has been obtained for the need for a new correctional facility in general, an effort should get under way to develop support in the neighborhoods of the first- or second-choice location. The task force should contact individual neighborhood leaders rather than convene a neighborhood meeting. In many cases, the way for acceptance of the detention facility can be eased by obtaining the support of important neighborhood leaders before an approach is made to the neighborhood as a whole. Once the support of such leaders has been obtained, it is generally best to allow them to call and chair neighborhood meetings.

If the process of developing neighborhood support is blocked by strong opposition, it will be necessary to proceed with an alternative site. When a site is blocked, by strong opposition, it will be necessary to proceed with an

alternative site. When a site is blocked, it is important that those who have successfully opposed the location of the facility in the neighborhood be recruited to support the need for the facility elsewhere. They should be solicited to make themselves available for public hearings and city or county council meetings to obtain official approval for another site.

### **PHASE IV - OBTAIN OFFICIAL APPROVAL**

Construction of a new correctional facility will require approval by the county supervisors or city council. If an effective public information program has been carried on before the final site selection and plan is submitted to the local government, then it may not be necessary to hold public hearings. If, on the other hand, there has been consider-

able controversy, it is likely that public hearings will be held before the measure is taken up for final consideration.

When public hearings are held or when the local government takes up the issue for final decision, it should be possible, based on the activities in Phase II, to arrange for supporting testimony from community leaders. The DWI task force should be prepared to present the full development plan, together with a clear statement of the facility's mission and the rationale behind the site selection. It is at this point that the full process of using a chart such as that in Figure 8-1 to list the good and bad features of each site and demonstrate clearly how priorities were set among the different sites.

The logical, objective presentation of the task force's studies of the community's needs and the alternatives for sites should help to educate city officials and

**Figure 8-2— Community Organizations and Officials Supporting Development of the Montgomery County, Maryland, Pre-Release Center**

League of Women Voters	American Correctional Association
County Bar Association	Unitarian Churches (LEGICUUM)
Society of Friends (Quakers)	Jaycees
Women's Suburban Democratic Club	Rotary Club of North Bethesda
Men's Republic Club	Local businesses adjoining the old detention center
American Association of University Women	State's Attorney
County Criminal Justice Commission	Public Defender
Judges of Circuit and District Courts	Churches throughout community
YWCA	Chief of Police
Women on Watch	NAACP

Source: Director, Montgomery County Pre-Release Center, 11651 Nebel Street, Rockville, MD 20852

the public and to obtain a favorable decision. While the presentation should have the full support and approval of local corrections officials, it may best be made by a well-known civic leader to avoid any implication of self-interest or empire building.

It is obviously easier to gain community acceptance for some sites than for others. The expansion of an existing facility is likely to provoke the least opposition. Facilities located in industrial areas are probably more acceptable than facilities in commercial areas,

which, in turn, are more acceptable than facilities built in residential neighborhoods.

It is unfortunate that school buildings, one of the major types of public buildings becoming available for other uses, are located in residential neighborhoods. While school buildings offer good opportunities for the establishment of correctional centers, their locations usually make it difficult to obtain public support for conversion to this purpose.

Similarly, apartment buildings are ready-made residential facilities that can

be converted at relatively low cost to correctional centers. However, many are located in neighborhoods that will not accept this type of facility. Thus, many attractive opportunities for converted facilities may not be acceptable politically. Nevertheless, these types of buildings have been converted for detention use. Effective public information programs may help make it possible to obtain community acceptance despite the public's negative view of correctional facilities.



## Section 9

# Developing Additional Facilities

By the time a community has decided that its correctional facilities must be expanded, the steps described in previous sections of this volume should have been accomplished:

1. A well-functioning steering committee organization (task force) will exist that can inject the needs and requirements of the various elements of the DWI corrections system into the planning process.
2. Data will have been collected on the current numbers of DWI offenders being sentenced to jail and the numbers expected in the future.
3. Options to facilitate expansion will have been studied to determine whether additional DWIs can be handled without new construction.
4. The study process will have also uncovered any situations where growth in the numbers of other offenders or changes in their sentencing may add additional requirements in the future.
5. Sources of funding will have been explored and at least an initial determination made that funds are available for expansion.
6. Tentative sites for a new facility will have been studied.
7. Public reaction to both the expense and location of new facilities will have been explored and public support developed for a new facility.

If these steps have been taken, considerable progress will have been made toward developing additional bed space. An overall community DWI corrections program will have been developed as the basis for taking the first steps toward construction.

### PRE-DESIGN PROCESS

Before an architect can be engaged to design a new detention or residential facility or a request for proposals issued, it is necessary to specify the requirements of the new facility in some detail. This pre-design process encompasses four major steps:

1. Specifications of the facilities requirements.
2. Production of a system design and organizational concept.
3. Specification of physical design requirements.
4. Evaluation of building alternatives.

Each of these activities involves considerable technical expertise and a substantial effort in data gathering, analysis, and program development. While a number of local government organizations such as the sheriff's department, the county health department, and the county building department may wish to be involved in this process, it is likely that these agencies may not have available the personnel time and expertise required. In this case, the responsible department will need to obtain the services of a consultant to carry out the pre-design process under the close supervision of the DWI corrections task force.

### Specification of Requirements

The data described in Section 5, "Getting the Facts," provide an initial base for establishing the requirements of the new facility. The purpose of the requirements specification is to define the objectives of the new facility. This specification must include two broad types of information—offender data and program requirements. Examples of the type of information required are shown below.

### *Offender Information*

1. Number of offenders projected forward at least 10 years (preferably 20 years)
2. Offense category: felons, misdemeanants, DWIs, drug offenders, pre-trial detainees
3. Length of sentences: very short, short, medium, long-term
4. Demographics: male, female, juvenile, handicapped

### *Program Information*

1. Security level: non-secure, minimum, medium, maximum
2. Counseling services: vocational, community, job training, religious services, etc.
3. Medical services: alcohol, drug treatment, health care, etc.
4. Special programs: work release, community service, weekend sentences

The requirements specification must integrate these data into a statement of the numbers and types of offenders to be housed year by year. It should also define the numbers of offenders requiring each of the major services and the number of offenders, such as juveniles, females, or handicapped, who may require special accommodations. To permit an intelligent review of these requirements, the sources of data and assumptions underlying the estimates should be specified.

This specification document should be circulated to the responsible governmental agencies. Once approved, it serves as the basis for the design and planning effort that will produce the new facility. It can also serve as a basis for evaluating the facility's performance (see Section 10).

## Systems Design

Once the specifications for the new facility have been established, the next step is to develop a systems design for the facility. The systems design establishes the personnel requirements, the overall personnel organization and command structure, and the operating procedures for the new building. It is all too easy to focus on the structural requirements for a new jail, work release center, or residential facility and overlook the significance of developing (with the same attention to technical detail) the personnel requirements for the new operation. Experience has shown, for example, that the construction costs of a new jail facility account for only 10% of the lifetime costs of the jail. Ninety percent of the cost to a community of its jail facility will be for personnel. It is important, therefore, that as much care be given to the development of an efficient staffing plan and operational procedure as to the development of a good design for the building. In fact, the two interact. If the operational plan has not been carefully developed, then the architect will design a facility that will not work efficiently for the programs to be implemented in it and for the staff who will occupy it.

In developing the staffing and operational plan, the consultant must work particularly closely with the sheriff's department. The supervision procedures permitted or required by the design of the building can have a significant impact on the management and overall operation of the new facility. As described in Volume III, the "New Generation Jail" concept establishes an environment in which correctional officers work in close contact and within the living space of the offenders. This

design makes supervision more challenging and, many believe, more effective. It may also, however, require more training and more effort on the part of the individual officer. Before new facilities are developed, any plans that involve potential changes in how staff perform their jobs should be carefully coordinated with the corrections department. For example, it may be necessary to do a considerable "selling" job to gain acceptance for a new approach to managing a local jail.

## Physical Design Requirements

Once the general system under which the new facility is to operate has been specified and the staffing requirements defined, it is possible to make an initial specification of the physical design requirements: How many square feet should the facility contain for inmate rooms, recreational areas, food preparation areas, medical areas, administrative offices, etc.? What local building codes must the facility meet? How will the facility conform to nationally recognized standards? These physical design requirements can become the basis for soliciting an architect (if new construction is planned) or for soliciting proposals from contractors to provide the correctional services to the community.

## Evaluation of Procurement Alternatives

Once a systems design and organizational plan have been developed, together with the physical design requirements, it is possible to make an initial study of the procurement alternatives. The three basic alternatives for procuring additional bed space are new construction, renovation, and contracting

with private firms. The responsible department or its consultant can collect information on which to base an initial evaluation of the relative cost and potential effectiveness of each of these three major alternatives and, within the major alternatives, the specific options that may be available to the community.

Under the construction alternative, for example, the cost of traditional construction should be compared with the cost of using modular units (Carter-Goble Inc., 1984). Volume III of this series discusses the relative costs of these two options. Actual cost and effectiveness of modular as compared to traditional construction will, of course, vary from community to community. It is therefore important that any community planning new construction study the specific applicability of each of the methods.

When renovation of existing building is a possibility, it is important to make realistic assessment of the actual renovation costs and the feasibility of converting the existing building to an efficient detention or residential center that meets the physical design requirements.

If contracting with a private firm is to be considered, it is important to identify potential bidders and determine their capability to provide the services required. This process should also identify services that potential bidders do not have and that would have to be furnished by the local government.

Based on these studies of alternatives the DWI corrections task force should be able to provide useful recommendations concerning the direction the community should take in developing its new facility. The task force's report should provide the basis for the responsible agency to make a selection among these alternatives.

## **ESTABLISHING A DESIGN AND CONSTRUCTION COMMITTEE**

Once the organizational plan and physical design requirements for the new facility have been developed and a choice has been made among the basic alternatives for obtaining the facility, the first steps in the design, construction, and/or procurement can begin. To monitor this portion of the activity, it is usually desirable to establish a design and construction committee. This committee will have a smaller membership than the DWI task force and will serve principally as an advisory group to the director of corrections or whoever is responsible for constructing the new facility.

This committee should have strong representation from the correctional agency that will be responsible for operating the facility. It should also include appropriate experts in building design and construction. From this point on in the development process, the problems that arise will tend to center on engineering and design issues rather than on broader policy and personnel matters, assuming, of course, that the pre-design process has been effectively pursued.

The DWI corrections task force, which was established to ensure participation by all elements of the community who must be brought together to plan a local facility, should remain in place. Although the task force will meet less frequently once construction begins, it will continue to receive reports from the design and construction committee and to monitor the overall functioning of The DWI corrections system. Included in this activity will be overseeing the development of new programs that are not part of the procurement activity—for

example, programs provided by medical facilities in the community for DWIs or community service programs provided by volunteer agencies. These elements of a comprehensive DWI program (see Volume II in this series) can be developed by the DWI corrections task force during the period that the physical facilities are being constructed.

## **CHOOSING AN ARCHITECT**

Because building design is a critical factor in the efficiency of any facility's operations, choosing an architect is an important task for the design and construction committee. If the pre-design process has been carefully conducted and planning has resulted in a well-conceived systems design and organizational plan, then the architect will have a firm basis for beginning the design.

Strong consideration should be given to the correctional design experience of the firms responding to the solicitation for architectural services. If an architectural firm being considered has a track record in corrections, the design and construction committee can correspond with the administrator's office of those facilities to determine their satisfaction with them. Because of the importance of good architecture, it may be well worth sending a responsible community official to visit facilities designed by the firms competing for the architectural contract.

The keys to producing a good architectural design are (1) effective planning, which results in a good systems plan for the facility, and (2) the selection of an experienced architect. Information on procedures for selecting architects can be obtained from the American Institute of Architects which

has produced a circular on "The Selection of an Architect" (AIA, 1963), the National Institute of Corrections Jail Center, and the American Correctional Association (see Section 4, "Getting Help").

## **RENOVATING EXISTING BUILDINGS**

If the decision is made to renovate an existing structure rather than construct a new one, the design and construction committee will need to oversee a five-step process:

1. Preparation of site studies for each candidate site.
2. Review of the candidate sites and selection of the final site to be recommended for approval.
3. Obtaining approval for the site selected.
4. Selection of a renovation contractor.
5. Supervision of the renovation work.

The most critical part of this work is the site studies. Two major questions must be answered in these studies. First, can the site, when renovated, meet the requirements of the systems design developed during the pre-design process? If limitations in an existing building produce an inefficient working environment, the long-term costs of renovation could be significantly higher than those of new construction. Frequently, the availability of an existing site is so attractive that the site is converted to detention use without full consideration of the costs of operating the facility once it is converted. Because operating costs comprise 90% of the total cost of the facility to the community over the lifetime of most buildings, and because these costs can be expected

to inflate with the economy, renovation of an inefficient building could be poor economy even though the initial construction costs are low.

The second critical feature of the site studies is to obtain an accurate estimate of the costs of renovation. This will frequently require the services of an experienced renovation contractor. It may be worth the expense for the locality to pay for an estimate by an independent firm experienced in renovation to assure that an accurate cost estimate is obtained.

The site studies may have been included in the pre-design process if a consultant was retained for this purpose. If this is the case, this task will have been completed by the time the project is assigned to the agency responsible for development of the facility. A good site study is the basic requirement for an effective renovation program. The review and selection of sites and obtaining of official approval for the site selected should move forward rapidly if supported by a good site study.

One important consideration in a renovation program is whether the original systems plan developed as part of the pre-design process will need to be modified. If an existing building is to be used, the building probably will not be ideally suited to the original systems design. Rather, it will be necessary to modify that operational plan to fit the limits of the existing building. For instance, there may not be the office space required to house all the personnel included in the original design. Offices for alcohol treatment specialists, for example, may have to be located in a nearby building rather than within the facility itself. More critically, it may be necessary to increase the number of correctional staff if the existing building does not accommodate the supervision

system envisaged in the original systems design. Obviously, if staffing changes or outside office space is necessary, these requirements must be recognized early so that provision can be made for them in local budgets well before the new facility is opened.

### **CONTRACTING FOR CORRECTIONAL SERVICES**

Procuring additional correctional facilities through a contract with a private firm may be the most rapid method for meeting expansion needs. It also generally allows localities to achieve their space needs without significant upfront costs. This avoids the problems often encountered in passing bond issues for construction or obtaining approval for an annual budget that contains significant construction or renovation expenses. A fuller discussion of the advantages and disadvantages of contracting for detention facilities is provided in Volume III.

The key to procuring a useful proposal from a private contractor is the development of a detailed specification of requirements. Development of such a "statement of work" should be based on the systems design and operational plan developed during the pre-design process. If the community expects to contract for a facility and employs a consultant in the pre-design process, it may be appropriate to have that consultant produce a work statement based on the systems design.

The requirements stated in the request for proposal (RFP) should be as comprehensive and detailed as possible. Figure 9-1 gives the table of contents of the proposal document used by the Federal Bureau of Prisons to contract for detention services. As can be seen from the outline, the document specifies a wide range of services and require-

ments. The full document is available from the Bureau of Prisons, Washington, D.C. (BOP, 1982). A copy of this proposal is also reprinted in Volume V of this series.

Once a request for proposal has been prepared, bidders can be solicited. Because most bidders will be within the local area, an important activity during the selection process should be site visits to the bidder organizations to examine their current programs and the buildings they intend to use to satisfy the requirements of the contract.

An important cost consideration in awarding the contract is the basis on which payments will be made. The Bureau of Prisons has succeeded in negotiating contracts that provide that payments will be based on the number of individuals held at any given time. In most cases, however, the contractor will probably require that the local government contract and pay for a set number of beds whether or not these beds are filled. Another consideration is the ability of the contractor to accept more offenders than the number initially established in the contract; this will allow for some growth in the number expected in the initial predictions.

Once the contract has been negotiated, it is frequently necessary to develop a "detailed plan." This is essentially a modification of the original RFP to fit the specific capabilities of the contractor and to embody any changes agreed to at the time of contract negotiation. This detailed plan becomes the operating document under which the contract is managed and evaluated.

### **DEVELOPING A MOVING PLAN**

Moving staff and offenders to a new facility is a complex problem and should not be overlooked in the planning

process. Normally, the new facility will be operated in addition to the old. Therefore, additional personnel will have to be hired and trained. The sheriff or director of corrections should develop a detailed plan for moving staff and offenders and for the opening of operations at the new facility. The moving plan should include such activities as staff orientation to the new building and to the new operating procedures. Where

possible, staff should occupy the new facility for a short period of time before any offenders are brought in. This will permit staff to familiarize themselves with the new building and to conduct emergency drills and other critical training activities. If applicable, a plan must also be developed for the transfer of offenders from other facilities and for the gradual build-up of operations in the new facility.

**Figure 9-1— Statement of Work for Contract Detention Facility, U.S. Bureau of Prisons (1982)**

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Attachment A - Prohibited Acts

Attachment B - Incident Report

Attachment C - Resident Rights at Center Discipline Committee Hearing

Attachment D - Notice of Center Discipline Committee Hearing

Attachment E - CDC Report

Attachment F - Duties of Staff Representatives

Attachment G - Pass Request

Source: U.S. Bureau of Prisons, 1982



## Section 10

# Evaluating Results

Once the planning process has culminated in the building or procurement of a new facility, it is important to keep in mind that the work is not over but rather just beginning. The new facility has been designed to meet specific community needs for the handling of convicted drunk drivers and similar offenders. It is important to know whether it is fulfilling these specifications and, more importantly, whether the original estimate of requirements was correct or whether, with changing times, new needs are being generated.

Evaluation is a process by which the community assures itself that it is getting its money's worth for the funds invested in its correctional program. It is also the process by which the community determines whether the programs that have been put in place can accommodate the numbers and needs of the offenders being assigned to it by the criminal justice system. Evaluation provides the information needed to make changes in current procedures to improve performance. It also provides the basis for expanding or reducing facilities as needs change.

Two basic types of evaluation are generally recognized: "administrative" evaluation and "impact" evaluation. Administrative, or process, evaluation compares actual performance against plans or requirements to determine whether programs are proceeding as specified and whether they are accommodating the number of offenders flowing into the system. It answers such questions as: How many offenders were admitted and how many were released or transferred each month of the year? What is the facility's population by type of offender? How does this compare with initial projections?

Impact evaluation refers to the process of determining the effectiveness of the

services provided to the offender. Does the alcohol treatment program, for example, result in a reduction of problem drinking? Does the vocational placement program result in employment of the offenders? Does the incarceration experience reduce recidivism compared to other types of penalties that are imposed on drunk drivers?

### IMPACT EVALUATION

Government officials who provide the funding for corrections programs are naturally interested in whether those programs are effective in reducing *future* offenses. Determining whether programs applied to drunk drivers produce the intended changes in their behavior is a complex process. Volume I of this series includes a discussion of some of the research on the impact of alcohol treatment programs for drunk drivers. The studies described in that volume involve the application of carefully developed research plans and elaborate statistical procedures.

The basic problem in such studies is to find a "control" group of drivers to provide a comparison to the drunk drivers sentenced to jail. In most cases, the offenders sentenced to jail differ in significant ways from DWIs given other penalties. If the subsequent driving records of those sentenced to jail are better or worse than those of drivers given other sanctions, it is not possible to be sure whether the difference is due to the jail experience or to other pre-existing factors. In order to conduct useful studies, it is necessary either to randomly assign individuals to different treatments (normally not possible when those treatments are different sentencing alternatives) or to use statistical procedures to account for the pre-existing differences.

The difficulties in conducting an impact evaluation should not discourage a community from attempting to determine the effectiveness of its DWI program in reducing recidivism. The community must recognize, however, the intricacy and expense of such investigations. Normally, research investigators trained in the appropriate statistical techniques are not available to local governments. Most frequently, impact evaluations are accomplished through contracts with a local university for the services of an evaluation specialist. The National Highway Traffic Safety Administration has produced a handbook on program evaluation that is available on request (Tarrants and Veigel, 1977). The references at the end of this volume also list several reports that review the evaluation of detention facilities (Carter et al., 1980; Adams, 1975; Seiter et al., 1977). The report by Falkowski (1984) on the impact of a two-day jail sentence in Minneapolis, Minnesota, provides a good example of an evaluation of a sanctioning program.

### ADMINISTRATIVE EVALUATION

#### Evaluating the New Jail

All managers have certain standards by which they evaluate the success of their organization and its activities. Administrative evaluation is a process that formalizes these standards and establishes a regular, recurring process to determine whether the standards are being met. The standards can be derived from at least two sources. The original planning activity that was the basis for developing a new facility created a set of specifications for the facility and its programs. A periodic administrative evaluation should be conducted to determine whether those requirements are

being fulfilled. This type of evaluation is particularly appropriate where contract facilities are being used. Because the initial contract document or detailed plan will specify the services to be provided by the contractor, the administrative evaluation can focus on each element in the contract and determine whether those services are being provided as specified. An example of the contract evaluation form used by the Bureau of Prisons is included in Volume V of this series.

A second method of administrative evaluation frequently used is to evaluate a facility's performance by comparing its programs with national standards developed by experts. The American Correctional Association, through its membership, has developed a set of standards for all types of correctional facilities and services (ACA, 1981). A program for accreditation under these standards is administered by the Commission on Accreditation for Corrections, 6110 Executive Boulevard, Suite 600, Rockville, MD 20852.

As has been noted, the ACA standards can be helpful in the planning of a new facility. Following these standards assures that the facility will conform to the minimum requirements established by the courts for detaining or housing offenders. Once the new facility is in

place, a program should be initiated to obtain accreditation under the ACA standards. Adherence to these standards minimizes the possibility that inmate suits over living conditions will be successful. It also helps to ensure that due consideration is given to the management of critical problems such as violence and suicide.

#### **Evaluating the DWI Corrections Subsystem**

In addition to evaluating the performance of the facility with respect to the offenders actually assigned to it, a larger administrative evaluation of the total DWI corrections subsystem is required. The new facility may be performing as planned, but the number of offenders may exceed initial estimates. The type of offender or the programs needed may also be changing if the courts vary their sentencing procedures so that more individuals are being held in pretrial detention or sentenced to non-residential programs. As noted in Section 6 of this volume, as a result of the availability of a new jail, the DWI corrections subsystem may be modified by the responses of judges, probation officers, prosecutors, and police, as well as by corrections personnel. In some cases, underuse of the new jail will result, but

in most instances these factors will produce more offenders so that even a well-designed jail may become overcrowded and subject to judicial review.

Early warning of such changes in the handling of offenders is needed so that the officials involved can be brought together to find solutions before overcrowding occurs. This requires an administrative evaluation that focuses on the flow of clients through the criminal justice system.

When such changes occur, there must be a mechanism for bringing these changes to the attention of the proper authorities and for bringing together the various agency heads and government officials who will be required to solve the problem. A local DWI corrections task force can serve this purpose providing it is established as a standing committee that meets on a regular basis. Once a community has developed a comprehensive DWI corrections plan and the facilities to meet the needs of this plan, it is essential to establish a system that identifies any new needs and that permits continuing evaluation of any modifications needed in the DWI corrections subsystem to meet changing conditions. This requires an effective evaluation program and a motivated administrative group to respond to the evaluation data.



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**DOT HS 806 764**  
**January 1986**